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Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas, submitted pursuant to Council resolution 36/22.

* The annexes to the present document are reproduced as received, in the language of submission only.

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I. Introduction

1. The open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas, established by Human Rights Council resolution 21/19, has a mandate to negotiate, finalize and submit to the Council a draft declaration on the rights of peasants and other people working in rural areas. In its resolution 36/22, the Council decided that the working group should hold its fifth annual session before its thirty-eighth session and requested it to submit an annual report on the progress made to the Council and to the General Assembly for their consideration.

2. The fifth session of the working group was held from 9 to 13 April 2018. In her opening statement, the Deputy High Commissioner for Human Rights commended the leadership of the Chair-Rapporteur of the fourth session, Ambassador Nardi Suxo Iturry, in consulting with a wide range of stakeholders and reflecting their views on the revised draft declaration (A/HRC/WG.15/5/2). She stated that over five years of diligent effort, the draft had been built on existing international standards relevant to the rights of peasants and other people working in rural areas and principles and guidelines adopted by the Committee on World Food Security and bodies of the Food and Agriculture Organization of the United Nations (FAO), particularly the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, among others. The Deputy High Commissioner signalled that there was a sense of urgency for the Working Group to finalize its work on the draft declaration to address the protection gap for more than 1 billion people, who face discrimination and other challenges. Although small farmers provided a high percentage of the food consumed locally, such as 80 per cent in Asia and sub-Saharan Africa, 80 per cent of the world population who suffered hunger lived in rural areas. Peasants and other people working in rural areas also faced challenges in regard to access to land and other resources, as well as discrimination, particularly against women. That situation was aggravated by globalization, free trade agreements and patents over seeds, which eroded the ability of small-scale farmers to use or exchange their own seeds, often indebting peasants by forcing exclusive purchase of those patented seeds. The situation was further aggravated by climate change, which particularly affected those who depend on the land. The 2030 Agenda for Sustainable Development would benefit all if it was delivered based on human rights. That was particularly relevant for the situation of peasants and other people working in rural areas who had been left behind, despite the promise of the Universal Declaration of Human Rights. She concluded that the only way to bring them in, was to stop leaving them out.

II. Organization of the session

A. Election of the Chair-Rapporteur

3. At its fifth session, the working group elected Luis Fernando Rosales Lozada (Plurinational State of Bolivia), as its Chair-Rapporteur, on the nomination of the Group of Latin American and Caribbean Countries, represented by Mexico.

B. Adoption of the agenda and organization of work

4. The agenda was adopted (A/HRC/WG.15/5/1).

5. The Chair-Rapporteur explained the modalities of the debate and noted that one of the objectives of the session was to move progressively in order to achieve the highest level of agreement possible. In order to achieve that, the Chair-Rapporteur encouraged participants to make suggestions aimed at compromise language in those articles where there were still concerns.

6. The Chair-Rapporteur stated that the Working Group would proceed with the complete reading of the draft declaration and requested participants to provide specific language on matters that still deserved attention. He noted that proposals received from delegations and civil society organizations since the last session had been incorporated into the revised text.

C. Opening statements

7. A statement was delivered by the representative of FAO, who referred to global initiatives relevant to the rights of peasants, including the United Nations Decade of Action on Nutrition, proclaimed in 2016. In her statement the FAO representative highlighted the importance of peasants as key actors for sustainable and healthy food production and the need to support small-scale production. Despite the huge contribution of peasants to food security, they faced increasing levels of vulnerability, hence the need to strengthen their protection. She emphasized that the draft declaration was linked to global goals, including the Sustainable Development Goals and the Zero Hunger Challenge.

8. A video message from the President of the Agriculture, Rural Development and Environment Section of the European Economic and Social Committee was also shown. He highlighted the challenges faced globally by peasants and other people working in rural areas, including in Europe, where small-scale labour-intense farming had been crowded out by cheaper mass-produced products. He advocated that people in rural areas should have their rights recognized in the same way as people living in cities and called on all participants to support the draft declaration and its resolution.

9. The Chair-Rapporteur recalled the developments that had taken place since the fourth session of the working group held in May 2017, including the meetings the previous Chair-Rapporteur had held with various stakeholders during the intersessional period.

III. Panel discussion

10. The Chair-Rapporteur invited eight experts to contribute to the fifth session of the working group: Million Belay, Ramona Duminicioiu, José Esquinas-Alcazar, Christophe Golay, Diego Montón, Smita Narula, Yiching Song, and Ana Maria Suarez Franco.[1] In an initial panel discussion, five experts spoke of how the declaration would address challenges such as the right to seeds, the rights of rural women, food sovereignty, collective rights and the rights to land and to food.[2]

IV. General statements

11. The representative of the Bolivarian Republic of Venezuela, on behalf of the Movement of Non-Aligned Countries, stressed that poverty eradication was the greatest global challenge and that the rural population suffered disproportionally from poverty and hunger, particularly in developing countries. Food security and nutrition were essential aspects of sustainable development. High volatility in global food prices directly challenged the right to food. The speaker reiterated the support of the Movement for the right to food and the commitment to fight hunger and malnutrition and welcomed the efforts of the Chair in finalizing the draft declaration.

12. The representative of the European Union highlighted the importance it attached to the rights of peasants and shared its concern over significant inequalities with regard to the full realization of all human rights, in particular economic, social and cultural rights, between persons living in rural areas and persons living in urban areas. The speaker expressed the commitment of the European Union to exploring various possibilities for protecting the rights of peasants and other people working in rural areas, including through

[1] Biographies of the experts are available on the website of the fifth session of the Working Group.

[2] The summary of statements by panellists is reflected in annex II of the report.

development assistance to national efforts. Although the text of the revised draft declaration had improved, divergent views persisted and problems in the text remained, including in relation to notions of extraterritoriality, rights to seeds, land and the means of production, food sovereignty and biodiversity. The speaker expressed concern about creating new rights in a non-binding document and stated that as a whole, the European Union was not in a position to support the draft declaration in its current version.

13. On behalf of the African Group, the representative of Togo expressed the commitment of the Group to the rights of peasants, as small family farmers were the backbone of development in Africa and African women were major contributors to food production and food security. The draft declaration recognized the historical and persistent discrimination suffered by peasants, and the vulnerability of family farmers due to globalization.

14. The representative of Guatemala stated that combating rural poverty was a national priority. However, it was regrettable that the revised draft did not include proposals put forward in the previous session. The speaker expressed reservations on the totality of the text.

15. The representative of Mexico noted the references to food sovereignty in the draft declaration. The speaker emphasized that peasants should be defined by their vulnerability and not by their economic activity and reiterated the need to avoid duplication with existing instruments.

16. The representative of the Russian Federation stressed the support of the country for the process of drafting the declaration, which should seek consensus, particularly on new rights. The speaker welcomed the revised draft but cautioned against extrapolating existing standards to other groups.

17. The representative of Paraguay recognized that improvements had been made to the draft text and called for the challenges and barriers faced by peasants within the existing human rights framework to be addressed.

18. The representative of Uruguay focused on the importance of guaranteeing the full enjoyment of human rights for all, without discrimination, including for peasants and other rural workers. The speaker reaffirmed the position of Uruguay that the draft declaration should focus on the implementation of existing human rights, aiming to reduce the current disparities between the countryside and the cities regarding the enjoyment of human rights. In addition, it shared concerns about some of the concepts included in the draft declaration, such as food sovereignty, the right to land and the right to natural resources, considering that those were part of discussions in other forums and could create confusion in the negotiations on the draft declaration.

19. The representative of the Republic of Korea highlighted the support of the country for the rights of peasants through policies and programmes to improve life in rural areas. The speaker stated that some articles of the draft declaration might be in conflict with domestic laws and international obligations, and would require further review.

20. The representative of South Africa stated that the country attached the highest priority to the rights of peasants and had implemented programmes on land reform, training and skills development, socioeconomic transformation, job creation and food security. The human person, including peasants and other people working in rural areas, was an essential subject for development and should be an active participant and beneficiary of the right to development, a fundamental human right.

21. The representative of India noted the improvements to the revised draft, however key issues required broad-based consensus, including the definition of peasants, their rights and the obligations of States, traditional knowledge and extraterritoriality. The inclusion of proposals by delegations would allow for wider support for effective implementation of the rights of peasants.

22. The representative of Peru stated that the country attached importance to the negotiation of the draft declaration and noted that suggestions had been incorporated into

the text. National particularities and legal systems should be taken into account, in order to guarantee the rights of peasants.

23. The representative of Iraq emphasized the importance of the draft declaration and commended the particular focus on rural women in the revised text.

24. The representative of Egypt endorsed the statements of the African group and the Movement of Non-Aligned Countries, supporting the mandate of the Working Group. The speaker welcomed the improvements in the draft and hoped that consensus would be achieved.

25. The representative of Ecuador endorsed the statement of the Movement of Non-Aligned Countries and expressed support for the process. The draft had evolved and the references to women and girls were particularly welcome. The declaration would fill a protection gap in human rights law.

26. The representative of the Bolivarian Republic of Venezuela emphasized the importance of the declaration in fulfilling obligations, including the right to development and the right of peasants to land.

27. The representative of the Plurinational State of Bolivia stressed the importance of the draft declaration and called for an open, transparent and constructive process in order to achieve consensus.

28. The representative of Switzerland commended the inclusive process and considered the current draft to be a good basis for a consensus.

29. The representative of Cuba encouraged Member States and civil society organizations to support the process and tackle extreme poverty in rural areas. The speaker expressed support for the process.

30. The representative of Argentina stated that the country would make available specific comments on concerns that had previously been expressed.

31. The representative of Portugal was encouraged by the revised draft and hoped that it would be finalized at the present session, leading to consensus at the Human Rights Council. The draft declaration, when adopted, would contribute to better supporting the lives of peasants and rural workers, including women and children, inter alia by raising awareness, in particular of Governments, of the need to fully respect their human rights without discrimination and on an equal basis with the human rights of all other human beings. The speaker stated that Portugal welcomed the fact that the Lisbon Charter for the Strengthening of Family Farming (February 2018) foresaw the commitment of the Community of Portuguese Language Countries and of its member States to taking an active role in the negotiations on the adoption of the draft declaration. The speaker thanked civil society, in particular peasants' organizations, for their valuable contributions throughout the process.

32. The representative of Indonesia highlighted its recognition of the right to land and made reference to the current visit of the Special Rapporteur on the right to food. The speaker also highlighted the importance of further discussing food sovereignty, vulnerable groups and other concepts.

33. The representative of Panama expressed support for the process and welcomed the active participation of civil society.

34. The representative of the United Kingdom of Great Britain and Northern Ireland endorsed the statement of the European Union and stated that the United Kingdom did not recognize collective rights, with the exception of the right to self-determination.

35. The representative of the United States of America stressed that the Human Rights Council was not the appropriate forum for issues covered by the draft declaration. Human rights were to be enjoyed individually but not collectively, as granting collective rights might trump individual rights. The speaker stated that the United States therefore disassociated itself from the working group and its conclusions.

36. The representative of FIAN International stated that the draft declaration sought to address the systemic discrimination against peasants and other people working in rural areas, making a critical contribution to the protection of their rights. The draft declaration would provide critical guidance on the promotion and protection of the rights of peasants and other people working in rural areas. It was important to recognize the collective character of peasants, as land displacement affected communities as a whole. Collective rights did not clash with the individual enjoyment of rights but rather complemented them.

37. The representative of Via Campesina Asia commended the inclusive process and highlighted the importance of the declaration.

38. The representative of Centre Europe — Tiers Monde recalled the historic background of the process of transparent negotiations, welcomed the revised draft and called for its urgent adoption. The speaker called for stronger references to some issues, including food sovereignty.

39. The representative of the World Alliance of Mobile Indigenous Pastoralists expressed support for the Declaration and called for an agreement.

40. The representative of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations stated that the draft declaration would complement standards aimed at ending discrimination and called for child labour to be further integrated into the text.

41. The representative of the International Indian Treaty Council welcomed the revised draft, called for its urgent adoption and stated that it would improve the legal framework for the rights of peasants, which still faced protection gaps.

42. The representative of Via Campesina Europe emphasized the support or the organization for the draft declaration, for which it had presented comments.

43. The representative of Via Campesina Latin America called for the urgent adoption of the draft declaration, which would be a useful tool for Member States.

44. The representative of Via Campesina Africa called on the Human Rights Council to send a strong political signal by adopting the draft declaration.

V. Reading of the draft declaration

Preamble

45. The Chair introduced the preamble and made reference to the difficulties facing peasants worldwide. The majority of interventions by States requested that the terms "food sovereignty" and "Mother Earth" be retained, as those concepts had been recognized at the international level, including by the General Assembly, and at the regional and national levels. Some delegations supported the preamble and suggested including a reference to the Convention on the Rights of Persons with Disabilities. One international organization made a concrete language proposal on child labour, which was supported by delegations. A number of delegations made written comments which are summarized in annex III below. Experts called for the concept of food sovereignty to be retained, welcomed the additional reference to the Convention on the Rights of Persons with Disabilities and the proposal to address rural-urban migration. An expert suggested the need to protect diversity, as uniformity was a threat. Experts also supported the reference to Mother Earth, as it had been recognized in United Nations instruments and texts. Civil society organizations supported the preamble as it stood and also supported the reference to Mother Earth.

Article 1. Definition of peasants and other people working in rural areas

46. There were no major objections to the content of article 1, however delegations and civil society made concrete suggestions on language. One delegation suggested changing

the title and replacing the references to "people" throughout the text with "persons", except in the case of "indigenous peoples". Some delegations requested that the mention of people be retained. While one delegation expressed its reservation about the mention of migrant workers "regardless of their legal status", another argued that the reference was in line with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was supported by other delegations and civil society. One expert said that "legal status" could be replaced by "migratory status" in line with relevant resolutions of the Human Rights Council and the General Assembly. Experts and civil society organizations supported the reference to "peoples" and emphasized that "people" was simply the plural of "person" and as such it did not capture peasants as a group. Reference was made by delegations and civil society organizations to other groups in regional contexts. Civil society organizations also stressed the importance of the rights of peasants in order to counter historical stigmas, including against peasant women. Some delegations suggested adding other categories, such as traditional and local communities.

Article 2. General obligations of States

47. Article 2 as most recently revised, was welcomed by delegations. Other language proposals are contained in annex III below. While some delegations endorsed the article in its present form, others suggested replacing "shall" with "may" in one of its provisions, which was opposed by other delegations and civil society experts, who noted that "shall" was the appropriate language used in other similar international instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples. A number of delegations also made language proposals. A proposal to delete the word "promptly" in article 2 (1) was opposed by experts, who stressed that steps to realize economic, social and cultural rights must be taken immediately as clarified in general comments of the Committee on Economic, Social and Cultural Rights.

48. With regard to article 2 (4), one delegation highlighted concern about the current draft, while another delegation suggested adding "relevant" before "international agreements", which was supported by one delegation and civil society organizations. Another delegation proposed a compromise to move the text of article 2 (4) to the preamble of the draft declaration. Experts and civil society organizations argued for retaining article 2 (4) as it was, as it was an expression of the primacy of international human rights law, based on Article 103 of the Charter of the United Nations, to be read in conjunction with articles 55 (c) and 1 (3) and the preamble. Civil society organizations also suggested adding language to the paragraph to highlight its application to peasants and other people working in rural areas.

49. One delegation suggested language for paragraph 6 (d) and also proposed a new paragraph on the obligations of peasants to respect the environment. Experts cautioned against the proposal, emphasizing that this article was about the obligations of States to respect, protect and fulfil human rights and the obligations of non-State actors had been removed from the draft. They also suggested that the relationship between peasants and the environment had been adequately covered in the preamble of the text. Some civil society organizations welcomed the proposal for a new paragraph, while others reminded participants of the role of peasants in the sustainable use of the environment, calling them guardians of the environment.

Article 3. Equality and non-discrimination, and right to development

50. There were no major objections to the content of article 3. Some delegations and civil society organizations made concrete suggestions on language. One delegation highlighted the importance of sustainable development and stated that the right to development did not mean peasants were entitled to cut down pristine forests to cultivate the land. In that context, it suggested adding a reference to sustainability in line with the 2030 Agenda for Sustainable Development. One delegation stated that it did not have a common position on the right to development. Another delegation suggested that the title of article 3 should reflect the fundamental principles of human rights, namely equality, non-

discrimination, transparency, dignity, inclusion, equity, participation and accountability, and also proposed additional language for it. One delegation noted that the criteria of discrimination listed in article 3 went beyond agreed United Nations language and suggested that an exhaustive list was not necessary. Another delegation suggested that article 3 should use agreed language. One civil society representative called for the insertion of "caste" after race in article 3 (1).

Article 4. Rights of peasant women and other women working in rural areas

51. There were no major objections to the content of article 4 but delegations and civil society made concrete language suggestions. After elaborating on the role of women in ensuring food security and agricultural development, one delegation called for their recognition and empowerment and suggested concrete language. Other delegations also proposed language under article 4 (2) (a), calling for greater participation of rural women in decision-making. One delegation suggested language deletion under article 4 (2) (b) proposing that "information, counselling and family planning" could include abortion and similar actions that were not in line with the interests of peasants. One delegation explained that natural resources were public property under the law of its country.

52. Speakers for civil society voiced their support for this article. One civil society representative stated that article 4 reflected language from the Convention on the Elimination of All Forms of Discrimination against Women. Another civil society representative highlighted the importance of women's right to property, including the inheritance of agricultural land and homes, and suggested language for that purpose.

Article 5. Right to natural resources

53. The article benefited from a general discussion and language suggestions by delegations and civil society. One delegation suggested that the title of the article be changed, replacing "right to" with "access to", which was endorsed by another delegation. The same delegation spoke out against the creation of new human rights. Another delegation suggested merging article 5 with article 17, which was also relevant to natural resources.

54. The experts also reacted to the suggestions put forward on article 5. One expert recalled that prior and informed consent had been removed from the draft, as some States had objected, so systematic interpretation was necessary in the light of the compromise made. The Convention on Biological Diversity and other guidelines and general comments of treaty bodies should guide the management of natural resources. Peasants contributed to the protection of the environment and biodiversity, rather than disrupting them. One expert referred to the issue of national specificity and suggested that it was addressed by article 28 (2), which should be read in conjunction with other articles. Experts called for a reference to "right to", instead of "access". They argued that "right" carried more weight than "access" and allowed for legal and non-legal recourse. Other documents, such as the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, had been adopted by consensus, using the term "right" more than 200 times.

55. Civil society representatives argued that article 5 should be kept as it currently stood, along with its title. In that connection, a civil society representative suggested that the article established a framework for international cooperation. Another civil society representative highlighted the rights of pastoralists, fishermen and peasants to natural resources, which were necessary for development in harmony with nature and were critical for their survival and the survival of the environment. A civil society representative underlined the importance of article 5 to guaranteeing access to land and natural resources for small farmers, as present legislation does not protect peasants from land-grabbing. *Another civil society representative seconded the expert's observation* that the current text was in line with the FAO Voluntary Guidelines.

56. Following the suggestion by one delegation that an emphasis on the responsibilities of peasants along with their rights be added to the text, one expert suggested that the term "sustainable use" of natural resources be used and agreed that the problems of sustainable management of natural resources were related to large-scale companies rather than peasants. Along the same lines, civil society representatives supported the Chair's text and pointed out that, historically, peasants and other people working in rural areas had made use of natural resources in a sustainable manner. Another representative requested clarification regarding the term sustainable development, of which peasants were guarantors, not to be confused with the right to development.

Article 5 (1)

57. One delegation suggested language, which is set out in annex III. Another delegation also suggested deleting the excessive "have" and "to" (under "have the right to have access to") in the first line. No other delegations raised concerns about this paragraph.

Article 5 (2)

58. One delegation put forward language proposals, since not all exploration should be subject to impact assessment and the text should be in line with article 41 of the Convention on Biological Diversity. Another delegation requested clarification on the "management of resources" and "benefits of development" and whether these were in line with agreed language, for example in the Convention on Biological Diversity. One delegation also pointed out that "any exploitation" was not in line with paragraph 1 on the management of natural resources and proposed using "sustainable exploitation" instead. Another delegation made language proposals to avoid restrictive language in order to give more flexibility to States.

Article 5 (2) (a)

59. Delegations suggested language, which is contained in annex III.

Article 5 (2) (b)

60. One delegation proposed that a reference be added to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), which contains the requirement of free, prior and informed consent; the proposal was supported by experts. Another delegation countered the proposal, as the State obligation on consultation was contained in article 2 (3). No other delegations raised concerns about this paragraph.

Article 5 (2) (c)

61. One delegation pointed out that this subparagraph goes beyond the provisions under the Convention on Biological Diversity, which does not refer to sharing of the benefits. No other delegations raised concerns about this article.

Article 6. Right to life, liberty and security of person

62. Only one delegation took the floor, suggesting that the title of the article be changed to "Right to life, liberty, security of person and enjoyment of fundamental freedoms". The same delegation also suggested that a cross-reference to article 13 (5) could be made after the reference to human trafficking in article 6 (2).

Article 7. Freedom of movement

63. There were no major objections to the content of article 7. One delegation suggested that the list proposed in article 7 (2) was not necessary, as it repeated the definition under article 1. The same delegation also suggested deleting article 7 (3). One expert pointed out that such a list was relevant, as freedom of movement was particularly important for the specific groups mentioned in article 7 (2) and suggested that the text reflect agreed

language, including from the FAO Voluntary Guidelines. Other civil society representatives suggested adding a paragraph on the security of land rights defenders.

Article 8. Freedom of thought, opinion and expression

64. No comments were made.

Article 9. Freedom of association

65. No comments were made.

Article 10. Right to participation

66. Delegations and civil society voiced their support for the current version of article 10. Delegations supported the principles of free, prior and informed consent. One expert suggested adding agricultural policies to the list under article 10 (2). A civil society representative also stressed that free, prior and informed consent was a condition for the enjoyment of human rights and a life lived in dignity. However, the people affected were often not involved in or informed on matters such as investments in land, policies and climate change, and often risked the destruction of their livelihoods. Given power imbalances, peasants and people working in rural areas needed a high standard of participation, but the speaker regretted that some States still opposed the right to participation, which was a key human rights principle.

Article 11. Right to information with regard to production, marketing and distribution

67. One delegation suggested deleting the reference to the right to participation. Another delegation made concrete language suggestions, which are included in annex III. The experts cautioned against deleting the reference to the right to participation, as it was a right recognized in international treaties, such as the International Covenant on Civil and Political Rights (art. 10). Experts and many civil society representatives endorsed the text as it stood.

Article 12. Access to justice

68. One delegation suggested adding "arbitrarily" under article 12 (5) before "dispossessing", while another delegation argued in favour of keeping the article in its current form. There was also a discussion over the text in Spanish, particularly with regard to the word *despojar*, which the experts stated was the correct terminology. One civil society representative stressed the need for women's access to justice. No other delegations raised concerns about this article.

Article 13. Right to work

69. There was no major objection to article 13, except for some language proposals, such as recognizing the local context and the particular situation of peasants and persons living in rural areas when it comes to accessing decent work. One delegation underlined the essential character of highlighting local aspects, especially in paragraphs 2 and 3, to avoid the article being read as legitimizing large-scale acquisition of land. The same delegation also made some language proposals, which are contained in annex III. One international organization suggested including the word "decent" before work in article 13 (2), stated that it had submitted text about children working unpaid on family farms and would like to resubmit that text and have the new input taken into account. One expert specified that 13

(2) should include peasants and other rural workers, and the reference to remuneration should not be removed.

Article 14. Right to safety and health at work

70. Only two participants intervened under this article, highlighting the need to address the use of chemical pesticides and the responsibility of corporations, and the need for employees to report on unsafe and hazardous work conditions without fear of reprisal. One international organization made language proposals, which are contained in annex III. Civil society highlighted the intensive use of chemical pesticides as a hazard for health and the environment, the main victims being the small farmers and others working and living in rural areas.

Article 15. Right to adequate food

71. There were no major objections to the content of article 15, however delegations and civil society made concrete suggestions on language. The discussion was essentially focused on the concept of food sovereignty. For some delegations, the constituent elements of the concept of food sovereignty had not been agreed internationally, and they called for the use of the term food security instead. Other delegations, civil society organizations and experts explained the difference between the two concepts and supported the inclusion of food sovereignty as a crucial element for peasants and ensuring national food production. The Chair indicated that the wording "food sovereignty" had been removed from the title, as agreed in the previous session. One delegation thanked the Chair for accepting the deletion. The same delegation also suggested deletion of "individually and collectively" in paragraph 2 and similarly suggested deleting "food sovereignty" in paragraphs 4 and 5. Finally, the same delegation stated that it was open to accepting food security instead of food sovereignty. Another delegation stressed the importance of including food sovereignty and called for its recognition throughout the article. It further noted that it supported maintaining "individually and collectively" in the text and supported article 15 in its entirety. Another delegation also disagreed with the proposal to replace food sovereignty with food security. One delegation noted that it would like to maintain "individually and collectively". Another delegation also made language suggestions. Another delegation supported the article, called for it to be aligned with the 2030 Agenda for Sustainable Development, and suggested a reference to "sustainably". Finally, another delegation also suggested a caveat in article 5 (1) "in accordance with national legislation". Civil society organizations called for preserving food sovereignty in the text.

72. One expert called for retaining "individually and collectively" and suggested moving it to the first line of paragraph 2, after "rural areas". She strongly recommended that food sovereignty be retained in the text. Other experts concurred with the recommendation to maintain food sovereignty, as the concept was recognized at international, regional and national levels. They stated that food sovereignty was about process while food security was about outcomes.

Article 16. Right to a decent income and livelihood and the means of production

73. There were no major objections to the content of article 16. One delegation made language suggestions, which are reflected in annex III. Another delegation supported paragraph 6 on equal remuneration. One delegation proposed that "women" be added in paragraph 6. One organization also made a language suggestion, which is reflected in annex III. Civil society organizations supported the text as it was, in particular on the right to equal remuneration. Civil society representatives suggested that a provision on protection should be included in article 16. Experts supported article 16 as it was and stated that paragraph 2 was grounded in a Committee on Food Security resolution that States had adopted. Reference was made to the FAO Voluntary Guidelines and to article 14 of the Convention on the Elimination of All Forms of Discrimination against Women.

Article 17. Right to land and other natural resources

74. The discussion on article 17 focused on the concept of the right to land. Some delegations stated that the declaration should not create new rights and called for "access" rather than "right" to land. Some of them raised concerns that references to land reform would create obligations for States. One delegation called for a legal basis in cases of expropriation and for equitable compensation. Other delegations pointed out that instruments on specific groups dealt with their specific rights and that the right to land was not a new right but a historical right of peasants that should be recognized in the declaration. For one expert, the right to land should not be limited to adequate living conditions but was an important component of the full enjoyment of all human rights. The right to land was discussed in various forums and recognized in international and national legislation. In addition, land was a part of peasant identity, further justifying why the right to it should be recognized. Several civil society organizations and experts pleaded for the present version of the article and pointed out that land reform was already mentioned in the International Covenant on Economic, Social and Cultural Rights and the FAO Voluntary Guidelines, as well as in the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. The Chair clarified that this obligation did not concern countries that had already gone through the process but those that still needed to do it.

Article 18. Right to a safe, clean and healthy environment

75. There were no major objections to the content of article 18. One delegation requested deletion of the reference to "right" in the title of article 18, as well as the change from "people" to "persons" throughout the article and the declaration. The same delegation spoke out against the creation of new human rights and that the declaration should not create the impression of an internationally accepted right to a safe, clean and healthy environment, in order to allow for different equally effective approaches. Another delegation welcomed the new formulation of the article, with the understanding that the title would not be kept in the final version of the declaration. In other interventions, delegations stressed that a "safe, healthy and clean environment" was not a commodity but a right, grounded in international and regional instruments. Experts emphasized that this right was recognized in detail in article 29 of the United Nations Declaration on the Rights of Indigenous Peoples, other regional instruments and reports by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Another expert welcomed the suggestion that sustainable biodiversity be added.

Article 19. Right to seeds

76. Some delegations stated that they did not recognize the right to seeds and instead called for "access to" seeds. They were concerned that article 19 could undermine international agreements on intellectual property and the mandate of the World Intellectual Property Organization. Those delegations made language suggestions to that effect, which are contained in annex III. Another delegation highlighted its concerns but had no concrete wording to improve the text. Numerous other delegations stated that the right to seeds was a fundamental right for peasants and was threatened by changes to patent law, such as allowing patents to be taken out on existing varieties. One delegation reiterated the importance of having the "right to" seeds and not "access to" as that related to a financial transaction. Civil society organizations endorsed the draft article in its entirety and urged States to protect small-scale fisherfolk, who had maintained their practice without disrupting the ecosystem but were now increasingly being marginalized and dispossessed because of industrial fishing. Experts and civil society organizations called for the recognition of the right to seeds, present in the International Treaty on Plant Genetic Resources for Food and Agriculture and the United Nations Declaration on the Rights of Indigenous Peoples, and affirmed the primacy of human rights over intellectual property rights. Moreover, several participants stated that there was no dispute with conventions

such as the Convention on Biological Diversity, since they called on benefits to be shared equally.

Article 20. Right to biological diversity

77. There were no major objections to the content of article 20, however some delegations suggested concrete language. One delegation proposed that the title be changed to "Biological diversity", deleting "Right to". Other concrete language suggestions were also made and are reflected in annex III. One delegation expressed support for article 20 and suggested that the affirmation of the right to biological diversity should go hand in hand with an emphasis on the obligations of peasants to preserve biodiversity. The same delegation further suggested that consistent use of terminology with regard to traditional knowledge be ensured, as it appears in a number of other articles. Another delegation supported the protection of knowledge and suggested that indigenous and traditional food crops be included. Another delegation underscored the role of peasants in maintaining, conserving and renewing the environment as central to the discussion. One delegation called for consistency in the use of language on traditional knowledge, particularly in regard to paragraph 1. Finally, a number of delegations called for the article to be preserved as it stood.

78. Experts and civil society representatives advocated for preserving the reference to the right to biological diversity. One expert also suggested including a new paragraph in line with the content of former article 26 (4) in the previous text, which was considered at the fourth session of the working group. He called on States to take measures to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas was obtained for access to genetic resources where they had the established right to grant access to such resources. Civil society organizations endorsed the draft article in its entirety and urged States to protect small-scale fisherfolk who had maintained their practice without disrupting the ecosystem but were now increasingly being marginalized and dispossessed because of industrial fishing. Another civil society representative cautioned against incorporating a proposal on imposing obligations on peasants and suggested that consensual language be found that would encourage peasants to comply with their responsibilities.

Article 21. Rights to water and sanitation

79. There were no major objections to the content of article 21. There was some discussion on the issue of prioritization of water. Many participants stated that the simple "access" to water for work was not enough as peasants could not compete with transnational corporations and big farm holders. One delegation spoke against creating new specific rights for peasants and made language proposals, which are reflected in annex III. One delegation called for the insertion of references to the right to sanitation next to the right to water, in order to prevent the pollution of water. Another delegation highlighted the importance of water, particularly to peasant farmers and fisherfolk, and called for free, non-discriminatory and quality access. Experts reiterated the fundamental nature of this right and that the right to water and sanitation is well recognized in international human rights law. Experts also made reference to several international instruments that recognized the importance of irrigation for the right to food. They also highlighted the situation of women, who are particularly affected. One expert endorsed the title of the article, with its focus on the right to water and not water management. Civil society organizations supported the article as it stood and stated that, although peasants had the right to access, in practice they were denied those rights.

Article 22. Right to social security

80. During the discussion on article 22, delegations argued that the right to social security depended on the person's legal status and in that context they submitted concrete language proposals. Other delegations called for the maintenance of article 22 in its

entirety, particularly article 22 (2). One representative of an international organization welcomed the references to ILO standards and suggested further additions with concrete language. A number of civil society representatives and experts called for the text to be maintained in its current form, particularly in order to protect migrants despite their migratory status.

Article 23. Right of everyone to the enjoyment of the highest attainable standard of physical and mental health

81. One delegation intervened on this item to suggest changing "people" for "persons" and to highlight possible duplication with other intergovernmental forums discussing intellectual property and traditional knowledge. No other delegations raised concerns about article 23.

Article 24. Right to adequate housing

82. No delegation raised concerns about article 24.

Article 25. Right to education and training

83. There were no major objections to the content of article 25, although delegations made some comments. One delegation called for an explicit reference to the right to education of all peasants and also made a concrete language suggestion. One representative of an international organization suggested language regarding the quality of education. Civil society organizations highlighted the importance and appropriateness of education for the rural population. One civil society representative also called for more references on action against child labour.

Article 26. Cultural rights and traditional knowledge

84. The content of article 26 is closely connected with many other issues contained in the declaration. One delegation made concrete language proposals, which are reflected in annex III. Another delegation shared concerns raised by other delegations on paragraph 4 and proposed that the text from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity be used, instead of the current text. One delegation supported the content of the article, but rejected the reference to genetic resources in paragraph 4, as it was already contained in articles 5, 19 and 20. Other delegations endorsed the article as it stood. One delegation stated that paragraph 4 of article 26 was language taken from the Nagoya Protocol and proposed to eliminate it or to reach an agreement on the language. Another delegation supported the new paragraph 4 on prior, informed consent, which is a key applicable universal principle. Experts highlighted the importance of the preservation and protection of traditional knowledge, including that of peasants and indigenous peoples. Several civil society organizations expressed their support for the article as it stood and for the new paragraph 4 on prior informed consent for access to genetic resources in paragraph 4. No other delegations raised concerns about this article.

Article 27. Responsibility of the United Nations and of other international organizations

85. One delegation proposed that "Responsibility" be replaced by "Contribution" in the title of the article and provided specific language suggestions to the text. One expert recalled that the Charter of the United Nations was the inspiration for article 27. She further suggested that references to the 2030 Agenda for Sustainable Development and the Sustainable Development Goals be excluded, as the declaration would go beyond the timeline of the 2030 Agenda. Civil society representatives called for keeping the current

text which was in line with other agreed language contained in the United Nations Declaration on the Rights of Indigenous Peoples, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other instruments. No other delegations raised concerns about this article.

Article 28. General

86. The Chair introduced article 28 as a new article, following comments to earlier versions of the draft declaration. Many delegations welcomed article 28. Some made language suggestions for the text. Another delegation called for explicit text, whereby the declaration would be subject to domestic law. One delegation supported the current version of the paragraph, while suggesting edits. Another delegation raised questions about the methods of work, which were seconded by other delegations calling for more time to consider the suggestions made, The Chair referred to the five-year-long process leading to the current text of the draft declaration, which had followed the same methodology, and recalled that the present draft had been made available in February 2018. The experts observed that article 28 was based on similar articles from human rights instruments, following agreed language from the United Nations Declaration on the Rights of Indigenous Peoples and questioned the rationale for the reference to national law suggested by one delegation.

Collective rights

87. The fifth session of the Working Group also benefited from a specific discussion on collective rights which took place in the afternoon of 12 April. Some delegations expressed their opposition to collective rights and to the creation of new human rights in the declaration. One delegation took the opportunity of the debate to give a general statement expressing its concern over collective rights. Another delegation expressed its concern that some of the rights in the declaration had not been recognized. Other delegations stated that collective rights did not weaken individual rights. On the contrary, they reinforced and complemented them, as had been widely recognized at the international, regional and national levels.

88. One delegation pointed out that the subject of rights was the individual and in the context of the draft declaration the rights holder was the individual peasant. However, there were human rights with collective dimensions and some rights could be asserted collectively. The delegation believed that by looking at each article, it was possible to find language that would be acceptable to all. Two delegations stated that collective rights had been well established and urged other delegations to engage in constructive dialogue. One delegation emphasized that individual rights could not be exercised fully if they did not have the collective component. Some communities could not flourish if they were not granted those collective rights.

89. The experts provided extensive examples of international, regional and national legislation supporting the concept of collective rights.

90. Many civil society representatives took the floor to argue for collective rights and stated that they were recognized in many international, regional and national instruments. Civil society organizations explained that these were not new rights and were not in conflict with individual rights. Testimonies were shared on how and why this concept would be core to the declaration and essential for the protection of the rights of peasants and other people working in rural areas.

VI. Concluding remarks

91. At the ninth and final meeting of the fifth session of the working group, delegations and civil society organizations took the floor and thanked the Chair for the open and constructive debate throughout the session and expressed the hope that this important declaration would be adopted in a timely manner. One delegation stressed that divergent views on the content of the declaration still persisted, reiterated its position against the

creation of new rights and hoped that the issue would be solved. The same delegation expressed its commitment to further engage with stakeholders to achieve a text that would be accepted by all and reserved its position.

VII. Conclusions and recommendations of the Chair-Rapporteur

A. Conclusions

92. **At the ninth and final meeting of its fifth session, held on 13 April 2018, the open-ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas adopted the following conclusions, in accordance with its mandate as established by the Human Rights Council in its resolution 21/19 and in accordance with resolution 36/22:**

(a) **The working group welcomed with appreciation the message of the Deputy High Commissioner for Human Rights, the representative of FAO and the video message of the European Economic and Social Committee at the opening of the session, as well as the participation of ILO and other organizations;**

(b) **The working group welcomed with appreciation the efforts made by the Chair-Rapporteur in presenting the revised draft declaration;**

(c) **The working group welcomed with appreciation the constructive negotiation, participation and active engagement of Governments, regional and political groups, civil society, intergovernmental organizations, experts and relevant stakeholders, particularly representatives of peasants and other people working in rural areas, and welcomed the inputs received;**

(d) **The working group expressed the shared concern about the human rights situation of peasants and other people working in rural areas and recognized their contributions to tackling hunger and to conserving and improving biodiversity, among others, and stressed the need to respect, promote, protect and fulfil their human rights;**

(e) **The working group encouraged that a revised draft is prepared by the Chair-Rapporteur on the basis of the different proposals and views expressed during the fifth session of the working group, and encouraged the Chair to hold informal and bilateral consultations and to circulate to the delegations the revised draft;**

(f) **The working group encouraged States, civil society organizations and relevant stakeholders to send their written textual proposals and contributions to the draft declaration, as presented during the fifth session, before 20 April 2018.**

B. Recommendations

93. **Following the negotiations held during the meetings of the working group, the Chair-Rapporteur recommended that:**

(a) **On the basis of the work carried on in the fifth session and informal and bilateral consultations, a final version of the draft declaration be prepared by the Chair-Rapporteur and be submitted to the Human Rights Council for its adoption, in fulfilment of the mandate of the working group, as stated in paragraph 1 of its resolution 21/19 and subsequent resolutions;**

(b) **States and other relevant stakeholders, in the consideration of the text, take into account the considerable progress made throughout the process of negotiations;**

(c) **States and other relevant stakeholders continue their constructive engagement and dialogue and enhance their flexibility in the bilateral and informal consultations in order to achieve, promptly, an inclusive and meaningful declaration;**

(d) **States commit the highest relevance and political will for the prompt adoption of the draft United Nations declaration on the rights of peasants and other people working in rural areas with a view to address the situation that they face and in order to allow for their continued contribution to eradicating poverty, tackling hunger and promoting sustainable development.**

Annex I

List of participants

States Members of the Human Rights Council

1. Angola, Brazil, Chile, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Germany, Iraq, Japan, Mexico, Nepal, Pakistan, Panama, Peru, Republic of Korea, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of).

States Members of the United Nations

2. Argentina, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Bulgaria, Colombia, Costa Rica, Dominican Republic, France, Greece, Guatemala, Honduras, India, Indonesia, Jordan, Latvia, Luxembourg, Mali, Malta, Morocco, Myanmar, Nicaragua, Paraguay, Portugal, Romania, Russian Federation, Uruguay, Zambia.

Non-Member States

3. Holy See, State of Palestine.

Intergovernmental organizations

4. European Union, Food and Agriculture Organization of the United Nations, International Labour Organization, Non-Aligned Movement, South Centre.

Non-governmental organizations in consultative status with the Economic and Social Council

General

5. Centre Europe — Tiers Monde (CETIM), International Indian Treaty Council (IITC).

Special

6. Bäuerliche Erzeugergemeinschaft Schwäbisch Hall w.V. (BESH).

Roster

7. American Anthropological Association, FIAN International e.V., International Federation of Rural Adult Catholic Movements (FIMARC), International Union of Food Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF).

Other non-governmental organizations

8. Alliance for Food Sovereignty in Africa (AFSA), Comité francais pour la Solidarité Internationale, Community Self Reliance Centre (COSEREC), Farmworkers Association of Florida, Indonesian Peasant Union (SPI), Korean Women Peasants Association (KWPA), Red Nacional de Agricultura Familiar (RENAF), SOS Faim, Via Campesina, World Forum of Fisher People (WFFP).

Annex II

Summary of statements by panellists

1. Professor José Esquinas Alcazar emphasized that the recognition of the right to seeds in the UN Declaration is crucial for the realization of the human rights of peasants as well as of the entire world population. According to FAO, seeds are essential to ensure food security for this generation. Small-scale farmers could not survive without seeds thus the importance of maintaining biological diversity. Peasants have developed, conserved, and now provide to other farmers, who will improve biodiversity. He also highlighted that there is no way to combating climate change that it is not based on biological diversity of seeds of farmers who adapt crops to the changing climate conditions. Mr. Esquinas underscored that biodiversity is key to achieve many of the Sustainable Development Goals including eradication of poverty, eradication of hunger and malnutrition, and those related to climate change and the preservation of biodiversity. In his conclusions, he suggested that the right to seeds is in in fact not a new right but reflected the application of existing agreements to the specific needs and vulnerabilities of peasants and, that it was important to recognize and reaffirm in the human rights framework.

2. Mr. Million Belay underlined the cultural importance of food sovereignty for peasants and other people working in rural areas, which has four elements: (a) the spirituality of food as many communities regard food and land that produces it as sacred; (b) food as essential for their livelihood, health and healing; (c) language and knowledge of local people connected with food and food production; and (d) governance as local community manages its governance and their relationship with environment. Food sovereignty is also critical for promoting healthy food, against the increasing trends of obesity in some parts of the world and malnutrition in other parts. Promoting agroecology, a food production system that is ecologically sound and sustainable, offers possibilities to protect food sovereignty while respecting planetary boundaries, thereby contributing towards the implementation of the SDGs and the Paris Agreement.

3. Mr. Diego Monton outlined the contributions of his organization to raising attention to the dreadful situation of peasants worldwide, and highlighted the importance of the draft declaration in protecting their rights, resolving conflicts and building peace and social justice. Mr. Monton clarified that the concept of collective rights is based on the relationship between individuals and their community, which should be recognized by the international community. He highlighted the importance of combatting discrimination against peasants in exercising their collective rights, in particular on land ownership. He pointed out that existing legislations may protect the rights of indigenous peoples but do not offer sufficient protection to other affected communities, including peasants.

4. Professor Smita Narula[1] underlined the importance and urgency of articulating a substantive right to land in the context of widespread hunger and food insecurity in rural communities, forced displacements, large-scale land grabs, climate change, rapid urbanization, consolidation of corporate control in the food sector, the impoverishment of small-scale farmers and fisherfolks, and the exploitative and often inhuman treatment of landless and migrant workers. She pointed out that existing international human rights laws do not provide sufficient normative support to peasants and other rural communities to claim their right to land. The absence of a clear articulation of the rights and duties related to land allows for excessive interpretive discretion, with the result that the enforcement of existing standards has been partial and uneven at best.

5. International human rights law must therefore evolve from an instrumentalist approach to land to the recognition that land sustains life and forms culture and identity, and is, therefore, in and of itself a substantive human right. Moreover, if access to land continues to be given primarily instrumental consideration — as an asset that serves as a

[1] Full statement available on the website of the Fifth Session of the Working Group on Peasants.

gateway to the realization of other rights — then States can continue to undermine rural communities' access to land by claiming that there are other means to satisfy these corollary rights. Articulating a substantive right to land in the Declaration can help close this normative gap, which is also in keeping with the evolutionary character of international human rights law.

6. Ms. Yiching Song highlighted the challenges facing women in rural areas. Economic globalization is the cause of insufficient ecological and social development, threatens local food systems and leads to unemployment, hunger and migration. Ms. Song referred to women farmers as managers of natural resources (water, seeds and land). Ms. Song regretted that scientific technology has not paid enough attention to small-scale farmers. She also underscored the importance of the Declaration as it is focused on the specific needs of peasants, has a rights-based framework and recognizes both individual and collective rights. The Declaration is also closely related to the SDGs. Also, Ms. Song pointed to the usefulness of the Declaration in guiding national laws and policy design aimed at protecting the rights of peasants, in particular women farmers.

Annex III

List of concrete suggestions

General

Colombia

Colombia reiterated a number of comments made on the draft declaration as presented at the 4th session.

Preamble

Colombia

Suggested to replace "food sovereignty" with "food security;

Argentina

Suggested replacing "food sovereignty" with "food security in PP 22

South Africa

- To add: Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world, (from the preamble of the CRPD),
- To add: Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms; and further reaffirming the fundamental human rights principles of human rights: equality, non-discrimination and transparency, dignity, transparency, inclusion, equity, participation accountability and the need for peasants and other people working in rural areas to be guaranteed their full enjoyment,
- South Africa proposes language that speaks to the empowerment and capacity building for peasants and other people working in rural areas on their rights so that they are able to fully participate in the decision making processes,
- Add language on mobilizing resources and investment in implementation and capacity-building. It is important that international cooperation also be reflected.

ILO

Proposal for a new paragraph(s), possibly after pp10 or pp14:

"Recognizing that most child labour is performed in the various subsectors of agriculture, much of this work is hazardous, and that is mainly performed in informal and family enterprises that depend on their children's labour,"

The above paragraph is based on the language used in the Buenos Aires Declaration adopted by IV Global Conference on the Sustained Eradication of Child Labour. The original paragraph reads as follows: "Recognizing that 71 per cent of child labour is performed in the various subsectors of agriculture, 42 per cent of this work is hazardous, and is mainly performed in informal and family enterprises that depend on their children's labour".

An additional paragraph that we would like to propose for your consideration, which is also taken from the Buenos Aires Declaration, reads as follows:

"Recognizing the importance of rural poverty reduction, the extension of social protection and access to public, free, complete, universal, quality primary and secondary education,

affordable, quality technical vocational and tertiary education and life-long learning, and of area-based and community interventions for eradicating child labour and forced labour."

PP1

EU

Taking into account **the Committee on World Food Security's Voluntary Guidelines on the Responsible Governance of Tenure of Land, the Principles for Responsible Investment (RAI principles) in Agriculture Systems, the Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small Scale Fisheries in the Context of Food Security and Poverty Eradication, the International Treaty on Plant Genetic Resources for Food and Agriculture and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and the Committee on World Food Security's (CFS) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security** as well as the principles proclaimed in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of discrimination against Women, the Declaration on the Right to Development, the Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, relevant conventions of the International Labour Organization, **the Convention on Biological diversity and its Protocols** and other relevant international instruments that have been adopted at the universal or regional level,

ILO

"*Taking into account* the principles proclaimed in the Charter of the United Nations ... relevant instruments of the International Labour Organizations, including the 1998 Declaration on Fundamental Principles and Rights at Work and the 2008 Declaration on Social Justice for a Fair Globalization, and other relevant international instruments that have been adopted at the universal or regional level."

PP3

EU

Recognizing the special relationship and interaction between peasants and other people **persons** working in rural areas, and the land, water and nature to which they are attached and on which they depend for their livelihood,

PP4

EU

Recognizing also the past, present and future contributions of peasants and other people **persons** working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring the right to adequate food and food security which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Switzerland

Concernant le paragraphe 4 («Reconnaissant également les contributions passées, présentes et futures, ...»), nous vous enverrons nos quelques modifications par écrit qui concernent l'addition de la notion de développement durable.

PP5

EU

Concerned that peasants and other people **persons** working in rural areas suffer disproportionately from poverty, hunger and malnutrition,

PP6

EU

Concerned also that peasants and other people **persons** working in rural areas suffer from the burdens caused by environmental degradation and climate change,

PP7

Switzerland

Concernant le paragrahe 7 («Constatant en outre avec préoccupation que la population paysanne est en vieillissement, ...»), nous souhaiterions ajouter la reconnaissance de la problématique de la migration vers les zones urbaines. Nous proposons donc de compléter le texte comme ceci:

"Concerned further about peasants ageing around the world and youth increasingly **migrating to urban areas and** turning their backs on agriculture (the rest as is it)"

PP8

EU

Alarmed by the increasing number of peasants and other people **persons** working in rural areas forcibly evicted or displaced every year,

PP11

EU

Stressing also that several factors make it difficult for peasants and other people **persons** working in rural areas, including small-scale fishers and fish workers pastoralists, foresters and other local communities to make their voices heard, to defend their human rights and tenure rights, and to secure the sustainable use of the natural resources on which they depend,

PP12

EU

Recognizing that access to land, water, seeds and other natural resources is an increasing ~~challenge for rural people~~ **persons**, and stressing the importance of improving access to productive resources and investment in appropriate rural development,

PP13

EU

Convinced that peasants and other people **persons** working in rural areas should be supported in their efforts to promote and undertake sustainable practices of agricultural production that support and are in harmony with nature, also referred to as Mother Earth in

a number of countries and regions, including by respecting the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

PP14

EU

Considering the hazardous and exploitative conditions that exist in many parts of the world under which many peasants and other people **persons** working in rural areas have to work, often denied the opportunity to exercise their fundamental rights at work, and lacking living wages and social protection,

PP15

Switzerland

Par rapport au paragraphe 15 («Constatant avec préoccupation que des particuliers, des groupes et des institutions œuvrant à promouvoir et à protéger les droits de l'homme»), nous rappelons que ce sont les Etats qui sont responsables de protéger les droits de l'homme, pas des particuliers ou des groupes. Nous proposons donc de remplacer le mot «protéger» dans ce paragraphe par le mot «défendre».

PP16

EU

Noting that peasants and other people **persons** working in rural areas often face difficulties in gaining access to courts, police officers, prosecutors and lawyers to the extent that they are unable to seek immediate redress or protection from violence, abuse and exploitation,

PP17

Switzerland

Concernant le paragraphe 17 («Préoccupé par la spéculation sur les produits alimentaires,»), nous souhaiterions modifier le texte comme ceci:

"Concerned about speculation on food products, and the increasing concentration in agroindustry and uneven power relations along the value chains and between different parties as well as unbalanced distribution of food, which impairs the enjoyment of human rights"

PP20

EU

Reaffirming that the right to development is an inalienable human right and an integral part of fundamental human rights. Reaffirming that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

PP21

EU

Recalling the right of peoples **persons** to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

PP22

Argentina

Recognizing that the concept of food sovereignty **security** has been used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights

EU

Recognizing that the concept of food sovereignty **security** has been being used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights

PP24

EU

Recalling also the extensive work of the Food and Agriculture Organization of the United Nations and the Committee on World Food Security on the right to food, tenure rights, access to natural resources and other rights of peasants, in particular the International Treaty on Plant Genetic Resources for Food and Agriculture, and the Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, **and the Committee on world Food Security's (CFS) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security,**

PP26

EU

Convinced of the need for greater protection of the human rights of peasants and other people **persons** working in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

PP27

EU

Solemnly adopts the following declaration on the rights of peasants and other people **persons** working in rural areas:

Article 1

Colombia

Suggested changing peasant with "persona campesina"

EU

Title: Definition of peasants and other people persons working in rural areas

South Africa

South Africa is also supportive of including those also living in rural ar as considering the Declaration's reference to older persons and children. In this regard, in addition to those dependent family members of peasants to also include "rural households".

Brazil

Add "traditional communities" in Article 1, paragraph 3.

Jordan

Article 1.4: deletion of "regardless of their legal status."

Ecuador

Proposed adding "local communities" after "indigenous peoples" in paragraph 3.

ILO

While supporting Brazil and Switzerland's proposal to include a reference to traditional communities in paragraph 4, we recommend retaining the rest of the paragraph as originally drafted.

American Anthropology Association

I'll end by asking that you note what I think is a typographical error. The last word of paragraph 1 ought to be the singular "land" not the plural "lands".

CSRC

Para. 1: last sentence — land, forest and water or land and natural resource (not only land, forest and water as well).

Para. 2: Request you to include sharecroppers and tenants in the definition of peasants.

Para. 2: Instead of any person, any women and men, in South Asia farmer, means Kishan which only denotes men and not women

Para. 3: together with Indigenous people add the group dalits which are marginalized groups in South Asia especially in Nepal and India

Article 2

Japan

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They may shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights of the present declaration that cannot be immediately guaranteed.

EU

1. States shall respect, protect and fulfil the rights of peasants and other people **persons** working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights of the present declaration that cannot be immediately guaranteed.

2. Particular attention shall be paid in the implementation of the present declaration to the rights and special needs of peasants and other people **persons** working in rural areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination.

3. Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making

processes that may affect the rights of peasants and other people **persons** working in rural areas, States shall **should** consult and cooperate in good faith with peasants and other people **persons** working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people **persons** working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

5. States shall take all necessary measures to prevent **ensure** non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, from nullifying or impairing the enjoyment of the rights of peasants and other people **persons** working in rural areas.

6. States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of peasants and other people **persons** working in rural areas, among others. Such measures could include:

(a) Ensuring that relevant international cooperation, including international development programmes, is inclusive, accessible and pertinent to peasants and other people **persons** working in rural areas;

(d) Providing, as appropriate, technical and economic assistance, facilitating access to and sharing of accessible technologies, and through the **voluntary** transfer of technologies, particularly to developing countries on mutually agreed terms;

Switzerland

La déclaration doit selon ma délégation également mentionner systématiquement la responsabilité/l'obligation de la population paysanne de se conformer aux normes environnementales internationales. Par ailleurs, nous partageons ce qui a été dit précédemment et que les obligations en matière de protection de l'environnement des acteurs non-étatiques devraient aussi être inscrites.

Ma délégation se félicite de l'inclusion de l'expression «dans des conditions convenues d'un commun accord» dans le paragraphe 6, d). Nous demandons simplement qu'une virgule soit insérée avant ce terme.

India

Recommended deleting paragraph 4.

Brazil

Proposed, as a compromise, moving the text of paragraph 4 to the preamble

Experts

Were against the deletion or moving paragraph 4 to the preamble.

CSOs

Proposed amending the text, for example, by including after "international agreements" the text "as they apply to peasants and persons working in rural areas" or substituting "their human rights obligations" for "the present declaration".

CSRC

Para. 1: should be deleted; Present declaration that cannot be immediately guaranteed

Para. 2: add after children, Dalits

Via Campesina Asia

Art. 2 Clause 4 was introduced in the context of trade, finance and other obligations of the State in the draft introduced last year. The draft declaration in the 4th Session reads as follows;

"States shall elaborate, interpret and apply international agreements and standards, including in the areas of trade, investment, finance, taxation, environmental protection, development cooperation and security, in a manner consistent with their human rights obligations."

To ensure the obligations of the States towards applying the International Instruments we would like the article to read as follows:

"States shall elaborate, interpret and apply international agreements and standards in manner consistent with their human rights obligations as they apply to peasants and other people working in rural areas."

We also do not agree with the change to the word "may" instead of "shall" as suggested by the distinguished delegate from Japan. So we request that the word "Shall" be retained.

Article 3

EU

Title: Equality and non-discrimination, and right to development

1. Peasants and other people **persons** working in rural areas have the right to the full enjoyment of all human rights recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and all other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on any grounds such as origin, nationality, race, colour, descent, sex, language, culture, marital status, property, disabiiity, nationality, age, political or other opinion, religion, birth or economic, social or other status.

2. Peasants and other people **persons** working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.

3. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and people **persons** working in rural areas.

South Africa

Proposes that the title of this Article reflect the fundamental principles of human rights: equality, non-discrimination and transparency, dignity, inclusion, equity, participation accountability

Agrees that Peasants and Other People working in rural areas are equal to all other people in dignity and rights

1. propose the reinsertion of fundamental freedoms after human rights

3. propose that the Chair utilize language from the ICERD which extensively deals with affirmative action issues.

Switzerland

Nous proposons de faire référence au développement durable dans l'article 3, conformément à l'Agenda 2030.

India

Suggested art. 3 should use agreed language.

ILO

1. Peasants and other people working in rural areas have the right to the full enjoyment of all human rights recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and all other international human rights instruments, free from any kind of **direct and indirect** discrimination in the exercise of their rights based on any grounds such as origin, nationality **and national extraction**, race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status.

2. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.

3. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and people working in rural areas.

CSRC

I draw your attention to include the word after race 'caste' which is still prevalent in South Asia and due to this most of the dalits and indigenous peoples are deprived from the land.

Article 4

South Africa

1. States ... shall take **all appropriate measures, including legislative, judicial, administrative or other measures** to ensure the full and equal enjoyment by peasant women and other women working in rural areas of all human rights and fundamental freedoms". Another important area that needs to be reflected in the Declaration is the **recognition and empowerment of women as contributors to food security and agricultural development**.

Brazil

2 (a) To participate equally and effectively in the formulation and implementation of development planning at all levels, **considering the importance of empowering and increasing the participation of rural women in decision-making spaces in organizations and in politics**.

Colombia

On paragraph 1, Colombia suggested the following addition

Los Estados adoptarán todas las medidas apropiadas para erradicar todas las formas de discriminación de las campesinas y otras mujeres que trabajan en las zonas rurales a fin de asegurar que, sobre la base de **la igualdad de género** entre hombres y mujeres, estas disfruten plenamente y en condiciones de igualdad de todos los derechos humanos y libertades fundamentales y que libremente puedan perseguir su desarrollo económico, social, político y cultural, participar en él y aprovecharlo

Holy See

Suggested the deletion at Art.4.2.b of "information, counselling and family planning" that could include abortion and similar actions that are not in line with peasants' interests

Switzerland

Suggested adding in 2.a "decision-making", in 2.f "participate actively" and in 2.j add "and other harmful practices".

CSRC

Including women's rights to "productive resources" including natural resources, financial resources — banking, credit loan, social resources — education, skills, information, health care, energy, technology, and political participation in all decision making processes.

Mr. Chairman, I would like to draw your attention in following points;

1. We further ask the WG to Recognise women's rights to Private property — including inheritance of agricultural land, house, etc. whether under secular or under customary/personal law. So I would like to take your attention to add (k.) "to promote inheritance in housing and agriculture land of women and men"

2. Ensure rural Women rights to Public resources — including land redistribution, joint land leasing, common property resources (for water, fuel, grazing, forests, street markets, etc.), public services for water, energy, and food security, all kinds of social protection measures, infrastructure and market access, technological resources and training.

3. Ensure rural women can acquire assets including Property and other resources in the market. Remove all direct and indirect obstacles including bureaucratic administrative process.

Article 5

EU

Title: Right Access to natural resources

1. Peasants and other people **persons** working in rural areas have the right to have access to and to use **in a sustainable manner and in line with the pertinent requirements set out in environment protection legislations**, the natural resources present in their communities that are required to enjoy adequate living conditions. They have the right to participate in the management of these resources and to enjoy in a fair and equitable way the benefits of their development and conservation in their communities.

2. States shall take measures to ensure that any exploitation of the natural resources that peasants and other people **persons** working in rural areas traditionally hold or use is permitted based on:

(a) A social and environmental impact assessment duly conducted by technically capable and independent entities, with the individual and collective involvement of peasants and other people **persons** working in rural areas;

(c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people **persons** working in rural areas.

Brazil

We consider that there is a need to improve the text of Article 5, paragraphs 2 and 2(a). Those paragraphs seem to link any kind of exploitation of natural resources, **including those by peasants**, to a social and environmental impact assessment analysis.

We consider that not necessarily all traditional practices of peasants and traditional communities have to be submitted to a social and environmental impact assessment.

In addition, we are concerned that the expression "independent entities" in paragraph 2 (a) lacks definition. In the case of Brazil, this would mean: the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA), which is an independent public agency in charge of environmental impact assessments in protected areas, including those occupied by traditional communities.

In this context, and in line with article 14, paragraph 1 (a) of the Convention on Biological Diversity, which is, we believe, one of the sources of article 5 of this draft Declaration, we would propose the following edits in paragraph 2:

2. States shall take measures to ensure that any exploitation of the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted, **as far as possible, and as applicable**, based on:

With regard to subparagraph (a), in order to clarify the scope of "technically capable and independent entities" we propose the following edits:

(a) A social and environmental impact assessment duly conducted by technically capable and independent entities **established under applicable domestic law/as defined at the national level**, with the individual and collective involvement of peasants and other people working in rural areas;

Concerning subparagraph (c), we propose to add reference to ILO Convention 169 after "article 2.3 of the present declaration", since it is Convention 169 the instrument that regulates matters related to FPIC.

Chile

1. [De conformidad a la legislación de cada Estado,] los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a acceder a los recursos naturales presentes en su comunidad y necesarios para gozar de condiciones de vida adecuadas, y a utilizar dichos recursos. Tienen derecho a participar en la gestión de estos recursos y a disfrutar de manera justa y equitativa de los beneficios de su desarrollo y conservación en su comunidad.

2. Los Estados adoptarán medidas para garantizar [el uso sostenible] que se permita toda forma de explotación de los recursos naturales que los campesinos y otras personas que trabajan en las zonas rurales mantengan o empleen tradicionalmente, para lo cual [podrán basarse, entre otras en:] se basarán:

(a) Una evaluación del impacto social y ambiental debidamente realizada por entidades independientes y con capacidad técnica, con la participación individual y colectiva de los campesinos y de otras personas que trabajan en las zonas rurales;

(b) Consultas celebradas de buena fe, de conformidad con el artículo 2.3 de la presente declaración;

(c) Modalidades de participación justa y equitativa en los beneficios de esa explotación, establecidas en condiciones mutuamente acordadas entre quienes explotan los recursos naturales y los campesinos y otras personas que trabajan en las zonas rurales.

Japan

I would like to express our support to the proposal made by the European Union to change the title of Article 5 to "Access to natural resources", instead of "Right to natural resources"

South Africa

2a, South Africa proposes an addition to 5.2a it should read individual and collective involvement including sensitization

Jordan

Suggested deleting the excessive "have" and "to" (under "have the right to have access to"), in its first line.

Switzerland

Il nous semble important lorsque l'on parle de ressources naturelles de mentionner explicitement la responsabilité de préserver l'environnement en accord avec les objectifs du développement durable.

Suggested merging art. 5 with art. 17

Diego Monton (expert)

Suggested to use the term "sustainable use" of natural resources and agreed that the problems of sustainable management of natural resources are related to large-scale companies rather than peasants. Along the same lines

CSRC

Add the para no involuntary or forced displacement in the name of development, national parks, national forest and special economic zone and commercialization of agriculture.

Also add, without permission of peasants and other people working in rural area no land and natural resource grabbing in the name of different name.

Article 6

EU

Title: Right to life, prohibition of torture, liberty and security of person

1. Peasants and other people **persons** working in rural areas have the right to life, physical and mental integrity, liberty and security of person

2. Peasants and other people **persons** working in rural areas shall not be subjected to arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

South Africa

Title: Right to life, liberty, security of person and the enjoyment of fundamental freedoms

6.2 South Africa proposes addition on human trafficking

Article 7

EU

1. Peasants and other people **persons** working in rural areas have the right to recognition everywhere as persons before the law.

2. States shall take appropriate measures, including by means of international agreements, to facilitate the freedom of movement of peasants and other people **persons** working in rural areas, and in particular pastoralists, fisherfolk, nomads, semi-nomads, and migrant and seasonal agricultural workers, including across borders.

3. States shall cooperate to address transboundary tenure issues affecting peasants and other people **persons** working in rural areas that cross international boundaries.

India

Suggested that listing of "other people working in rural areas, in particular pastoralists, fisherfolk …" is not necessary to be repeated if the definition under art. 1 includes them.

Article 7, para. 3

India suggested to delete this paragraph since the notion of transboundary tenure issues is ambiguous and does not address the concerns of India.

CSRC

I would like to take your attention to add para; a para security of land rights defender, farmers' leaders, peasants and land rights activists.

Article 8

EU

1. Peasants and other people **persons** working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, including through claims, petitions and mobilizations, at the local, regional, national and international levels.

2. Peasants and other people **persons** working in rural areas have the right, individually and collectively, in association with others or as a community, to participate in peaceful activities against violations of human rights and fundamental freedoms.

Article 9

EU

1. Peasants and other people **persons** working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests, and to bargain collectively. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.

2. States shall take appropriate measures to encourage the establishment of organizations of peasants and other people **persons** working in rural areas, including unions, cooperatives or other organizations, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of lawful activities, including any legislative or administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity, a decent life and a sustainable livelihood.

Article 10

EU

1. Peasants and other people **persons** working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the formulation **preparation of**, implementation and assessment of policies, programmes and projects that may affect their lives, land and livelihoods.

2. States shall take adequate measures to ensure the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that affect their lives, land and livelihoods **States shall strive to promote active and free participation, directly and/or through their representative organisations, in the formulation of policies that may affect their lives, land and livelihoods**; this includes respecting the establishment and growth of strong and independent organizations of peasants and other people **persons** working in rural areas and promoting their participation in the formulation and implementation **preparation** of food safety, labour and environmental standards that may affect them.

South Africa

Including the issue of free, prior and informed consent

Smita Narula (expert)

Suggested adding agricultural policies to the list in art. 10.2

Article 11

EU

Title: Right to Access to information with regard to production, marketing and distribution

1. Peasants and other people **persons** working in rural areas have the right to seek, receive, develop and impart information, **as appropriate**, including information about factors that may affect the production, processing, marketing and distribution of their products.

2. States shall adopt appropriate measures to ensure that peasants and other people **persons** working in rural areas have access, **as appropriate**, to transparent, timely and adequate information in a language and form and through means adequate to their cultural methods that ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods.

3. Peasants and other people **persons** working in rural areas **should** have the right **access** to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, nation and international levels, and to participate in its formulation.

South Africa

2 — language reformulation — …include "**relevant**" in addition to transparent, timely and adequate information so as to ensure and also add "**taking into account their cultural methods so as to**" before the words ensure their effective participation in decision and also add "**overall well-being and empowerment**" after the words livelihoods.

Article 12

EU

1. Peasants and other people **persons** working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such a decision shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law.

3. Peasants and other people **persons** working in rural areas have the right to legal assistance. States shall consider additional measures, including legal aid, to support peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

5. States shall provide peasants and other people **persons** working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of violating their human rights, **arbitrarily** dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.

CSRC

Kindly requested to add sentence state should ensure to stop such kind of investment in agriculture and land and eviction of informal tenants, sharecroppers and smallholders in the declaration for the protection and rights these groups.

Ana Maria Suárez Franco

En cuanto al punto resaltado sobre la Unión Europea de no usar la palabra "disposesing" y anteponer la palabra "arbitrary" se aclaró que:

De conformidad con el diccionario legal la palabra despojo es la traducción correcta para "disposesing". En español la palabra correcta, teniendo en cuenta su uso común, es despojo.

No se recomienda incluir el término arbitrario, pues precisamente lo que necesitan los campesinos y campesinas, para determinar si el despojo es arbitrario o no es el acceso a la justicia. Si ya se incluye el término "arbitrario" en la declaración, las autoridades administrativas podrían alegar la arbitrariedad según su criterio y justificar el despojo, sin que se garantice el acceso a los recursos jurídicos a los campesinos y campesinas que requerirían cuestionar judicialmente esa arbitrariedad.

Article 13

EU

1. Peasants and other people **persons** working in rural areas have the right to work, which includes the right to choose freely the way they earn their living.

2. States shall create an enabling environment with opportunities for work and that provides remuneration allowing for an adequate standard of living for peasants and other people **persons** working in rural areas and their families.

3. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall **consider** take **taking** appropriate measures to establish and promote food systems that are sufficiently labour-intensive to contribute to the creation of decent employment.

5. No one shall be required to perform forced, bonded or compulsory labour, be subject to the risk of becoming a victim of human trafficking or be held in any other form of contemporary slavery. States shall, in consultation and cooperation with peasants and other people **persons** working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation and all forms of contemporary slavery, such as debt bondage of women, men and children, and forced labour, including of fishers and fish workers, forest workers, or seasonal or migrant workers.

Switzerland

Underlined the essentialness of highlighting local aspects, especially in paras 2 and 3, to avoid the article being read as legitimising large scale acquisition of land. The delegate also made some suggested changes to para. 13.2 (suggested changes in bold) 'states shall create e enabling environment with opportunities for work for **peasants, those working in rural areas and their families**. In para. 13.3 the delegate suggested the following changes: "… promote **sustainable** food systems" and "… creation of decent employment **especially for local work force**".

ILO

2. States shall create an enabling environment with opportunities for **decent** work and that provides remuneration.

6. Child labour, defined in the relevant ILO fundamental Conventions as types of work that the child concerned is too young to perform, shall be prohibited and eliminated. All children under the age of 18 years shall be protected from hazardous work or other worst forms of child labour.

Christophe Golay (expert)

Specified that 13.2 should include peasants and other rural workers, and the reference to remuneration should not be removed.

Article 14

EU

1. Peasants and other people **persons** working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to measures to prevent, reduce and control hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions, and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subject to any work-related retaliation for exercising such rights.

2. Peasants and other people **persons** working in rural areas have the right not to use or to be exposed to hazardous substances or toxic chemicals, including agrochemicals or agricultural or industrial pollutants.

3. States shall take appropriate measures, **in accordance with relevant ILO conventions, the OECD Guidelines for multinational enterprises, the UN Guiding Principles, the OECD-FAO Guidance for Responsible Agricultural Supply Chains, the United Nations Guiding Principles on Business and Human Rights and General Comment No. 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities (CESCR)**, to protect the above-mentioned rights for the safety and health at work of peasants and other people **persons** working in rural areas, and shall in particular designate appropriate competent authorities responsible, and establish mechanisms for intersectoral coordination for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces.

ILO

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, **to the implementation of** measures to prevent, reduce and control **workplace** hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions **without fear of reprisal**, and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subject to any work-related retaliation for exercising such rights.

Article 15

EU

1. Peasants and other people **persons** working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.

2. States shall ensure that peasants and other people **persons** working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving

access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and collectively, responding to their needs.

4. Peasants and other people **persons** working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

5. States shall formulate, in partnership with peasants and other people **persons** working in rural areas, public policies at the local, national, regional and international levels to advance and protect **the right to adequate** food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies.

South Africa

Commends the Chair on finding a solution in ensuring that the issue of "food sovereignty" is reflected in Article in 15.4. South Africa would prefer that the "right to food" which is extensively used in the international human rights system, including the relevant UNHRC resolutions be utilized.

On 15.1, South Africa proposes to add "poverty" as follows:

"... the fundamental rights to be free from hunger and poverty".

Switzerland

La Suisse soutient cet article et voudrait simplement faires la remarque mineure suivante afin d'être aligné sur l'Agenda 2030: d'ajouter le mot "sustainably" au paragraphe 1, deuxième phrase, on lirait: "this includes the right to sustainably produce food and the right to adequate nutrition".

Ecuador

Disagreed to replace "food sovereignty" to food security

Bolivia

Support maintaining "individually and collectively" in the text. It supported article 15 in its integrity.

Would like to maintain "individually and collectively".

Argentina

Para. 4: Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty **security**. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

Para. 5: States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect food sovereignty **security** and sustainable and equitable food systems that promote and protect the rights contained in the present declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies.

Para. 5: States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to **achieve food security** and sustainable food systems."

Comments:

(a) Teniendo en cuenta que la seguridad alimentaria es una meta a alcanzar según los compromisos asumidos por los Estados en la Agenda 2030 para el Desarrollo Sostenible (ODS 2), y por los motivos expresados ut supra, se sugiere reemplazar "food sovereignty" por "food security".

(b) Con respecto a la afirmación "sustainable and equitable food systems", se agradecerá conocer el alcance de "equitable food systems". Por otra parte, se manifiesta conformidad con la afirmación "sustainable food systems", que es conforme con la meta 2.4 de la Agenda 2030 para el Desarrollo Sostenible.

Smita Narula (Expert)

Would like to retain "individually and collectively" and suggested moving it to the first line of paragraph 2, after "rural areas". She strongly recommended to maintain food sovereignty in the text.

Article 16

EU

Title: Right to a decent income and livelihood an adequate standard of living and access to the means of production

1. Peasants and other people **persons** working in rural areas have the right to a decent income and livelihood **an adequate standard of living** for themselves and their families, and to facilitated access to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They also have the right **can choose** to use, individually and collectively, in association with others or as a community, traditional ways of farming, fishing, livestock rearing and forestry, and to develop community-based commercialization systems.

2. **States shall make efforts in order to favour the access of** Peasants peasants and other people **persons** working in rural areas have the right to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national, and regional markets at prices that guarantee them a decent income and livelihood.

3. States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate, and ensure that peasants and other people **persons** working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living.

4. States shall take all **appropriate** measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production. States shall stimulate agroecological, organic and sustainable production whenever possible, and facilitate direct farmer-to-consumer sales.

5. States shall take appropriate measures **make efforts in order** to strengthen the resilience of peasants against natural disasters and other severe disruptions, such as market failures.

6. States shall take appropriate measures **make efforts in order** to ensure fair wages and equal remuneration for work of equal value, without distinction of any kind.

Argentina

Para. 4:

(a) Se sugiere la eliminación del término "environmentally", ya que ese término circunscribe la producción agrícola sostenible a la dimensión ambiental y la producción agrícola sostenible abarca esa dimensión junto con la económica y la social.

(a) Con respecto a la frase "stimulate agroecological, organic and sustainable production": se sugiere promover la producción sostenible, evitando señalar un tipo especial de producción como la agroecológica o la orgánica, toda vez que éstas sólo hacen referencia a una sola dimensión del desarrollo sostenible (la ambiental). Por ello, se recomienda hacer alusión sólo a la producción sostenible ("sustainable production") por referirse de manera balanceada a las tres dimensiones del desarrollo sostenible (la económica, la social y la ambiental);

(b) Sobre la frase "facilitate direct farmer-to-consumer sales": se sugiere la eliminación de esta afirmación, pues la misma podría incentivar políticas de "compre local" penalizando a los productos que dependen del transporte internacional para su oferta en el mercado, con fundamento en razones ambientales.

Por lo anteriormente mencionado, se sugieren las siguientes modificaciones al párrafo: "States shall take all measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production. States shall stimulate agroecological, organic and sustainable production whenever possible, and facilitate direct farmer-to-consumer sales."

Brazil

Proposed to add "women" in paragraph 6

ILO

4. States shall take all measures to ensure that their rural development, **employment, social protection**, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production. States shall stimulate agroecological, organic and sustainable production whenever possible, and facilitate direct farmer-to-consumer sales. **They shall also promote decent non-farm employment opportunities in the rural economy**.

5. States shall take appropriate measures to strengthen the resilience of peasants against natural disasters and other severe disruptions, such as market failures.

6. States shall take appropriate measures to ensure payment **of decent** fair wages and equal remuneration for work of equal value, without distinction of any kind.

Ana Maria Suárez Franco

Paragraph 2

Se sugiere cambiar el texto reemplazando la existencia de un derecho, por la otra cara de la moneda, que es hacer referencia al deber de los estados de garantizar dichos servicios. El texto podría ser: "Los Estados *deben* de asegurar los medios de transporte (…)".

Article 17

Argentina

Para. 7: se sugiere la eliminación de la frase "including through agroecology", toda vez que el artículo ya se refiere al uso sostenible de la tierra y de otros recursos utilizados en la

producción agrícola, no siendo necesario referirse a un tipo de producción que refuerza sólo la dimensión ambiental de la producción agrícola sostenible.

"States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production and necessary for the enjoyment of adequate living conditions, including through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles."

EU

Title: Right Access to land and other natural resources

1. **States shall make efforts in order to favour the access to** Peasants **peasants** and other people **persons** living in rural areas have the right to land, individually and collectively, including the right to have access to, use and manage **their** land and **access to** the water bodies, coastal seas, fisheries, pastures and forests therein, **in a sustainable manner and in line with the pertinent requirements set out in environmental protection legislation** to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

2. **States are invited to implement the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security**.

2.3 States shall **make efforts in order to** remove and prohibit all forms of discrimination related to land tenure rights, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources. In particular, States shall ensure equal tenure rights for women and men, including the right to inherit and bequeath these rights. **Such State actions should be consistent with their existing obligations under relevant national law and legislation and international law, and with due regard to voluntary commitments under applicable regional and international instruments**.

3.4 **Based on examination of tenure rights in line with national law**, States **states** shall **make efforts in order to** provide legal recognition for land tenure rights, including customary land tenure rights, not currently protected by law. **States should protect legitimate tenure rights, and ensure that people are not arbitrarily evicted and that their legitimate tenure rights are not otherwise extinguished or infringed**. All forms of tenure, including tenancy, must provide all persons with a degree of tenure security that guarantees legal protection against forced evictions. States shall recognize and protect the natural commons and their related systems of collective use and management.

4.5 Peasants and other people **persons** working in rural areas have the right to **shall** be protected against arbitrary displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law standards. States shall prohibit **arbitrary** forced evictions, the demolition of houses, the destruction of agricultural areas and the arbitrary confiscation or expropriation of land and other natural resources, including as a punitive measure or as a means or method of war.

5.6 Peasants and other people **persons** working in rural areas **shall** have the right **opportunity**, individually or collectively, in association with others or as a community, to return to the land and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, of which they were arbitrarily or unlawfully deprived, or to receive just and fair compensation when their return is not possible. States shall take measures to restore access to land and other natural resources to those peasants and other people working in rural areas that have been displaced by natural disasters and/or armed conflict.

6.7 **Redistributive reforms can facilitate broad and equitable access to land and inclusive rural development. In this regard, where appropriate under national**

contexts, States may consider allocation of public land, voluntary and market based mechanisms as well as expropriation of private land, fisheries or forests for a public purpose. In such cases, States are invited to refer to chapter 15 of the Voluntary Guidelines on the Responsible Governance of Tenure. States shall carry out redistributive agrarian reforms where there is lack of broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, particularly young people and landless persons. Redistributive reforms must guarantee equal access of men and women to land, fisheries and forests, and shall limit excessive concentration and control of land taking into account its social function. Landless peasants, young people, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.

7.8 States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production and necessary for the enjoyment of adequate living conditions, including through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.

South Africa

6. South Africa proposes that the right to land should not be limited to adequate living condition but be seen as an important component to the full enjoyment of all human rights and fundamental freedoms

Switzerland

Mon pays souhaiterait, à l'instar de notre commentaire pour l'article 5, proposer la fusion des articles 5 et 17.

Concernant le paragraphe 6, la Suisse souhaite faire le commentaire suivant: Il faudrait exiger que l'expropriation formelle, en tant qu'interférence avec une position juridique protégée, ne soit permise que s'il existe une base juridique suffisante, une loi au sens formel. De même, il devrait être exigé que la compensation soit fournie au moins sur la base de critères tels que «juste et équitable».

Finalement, à la fin du paragraphe 7, la Suisse aimerait proposer de remplacer les mots «ressources biologiques et des autres capacités et cycles naturels» par le mot «écosystèmes». Alors la fin du paragraphe 7 se lirait de la manière suivante: «les conditions que nécessite la régénération des écosystèmes».

Christophe Golay

"natural commons" in article 17.3 of the UN Declaration should be translated in the French version as "les communs naturels".

In the current French version, it reads "les ressources naturelles communes", which is not the same.

To support that request, you can find "commons" translated by "communs" in the Voluntary Guideline 8.3 on the governance of tenure.

Article 18

EU

Title: Right Access to a safe, clean and healthy environment

1. Peasants and other people **persons** working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use, manage and control.

2. States shall take appropriate measures to ensure that peasants and other people **persons** working in rural areas enjoy, without discrimination, a safe, clean and healthy environment, including its biodiversity and ecosystems.

3. States shall comply with their international obligations to combat climate change. Peasants and other people **persons** working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.

4. States shall take effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on the land of peasants and other people **persons** working in rural areas, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.

5. States shall protect peasants and other people **persons** working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.

Argentina

inciso 3: se observa que los comentarios formulados por la Argentina durante la Cuarta Sesión del Grupo de Trabajo no fueron incorporados, por lo que se agradecerá considerar el siguiente agregado a la redacción actual: "Los Estados cumplirán las obligaciones internacionales de combatir el cambio climático, [según las propias capacidades y el principio de responsabilidades comunes y diferenciadas.] Los campesinos y otras personas ..."

Switzerland

La Suisse accueille avec satisfaction cet article qui dans la version actuelle ne promeut plus un droit à un environnement sûr, propre et sain. Et nous partons du principe que le titre de l'article 18 va aussi être supprimé.

Nous avons deux observations à apporter.

La première concerne le paragraphe 3 qui est limité au changement climatique. A notre avis, le paragraphe pourrait bénéficier d'une référence additionnelle à la protection et l'utilisation durable de la biodiversité et à des obligations ou à la responsabilité par rapport aux produits chimiques et à la gestion des déchets.

Notre deuxième remarque porte sur le dernier paragraphe de cet article. Le paragraphe 5 contient le terme «les atteintes de la part d'acteurs non étatiques». Ce concept n'est pas suffisamment claire pour ma délégation et nous nous demandons s'il y a une terminologie plus appropriée pour cette idée.

Article 19

EU

Title: Right Access to seeds

1. Peasants and other people **persons** working in rural areas **should** have the right **access** to seeds, including:

(a) The right to **Support** for the protection of traditional knowledge relevant to plant genetic resources for food and agriculture;

(b) The right **to Support to** equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture;

(c) The right to participate **Participation** in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture;

(d) The right to save, use, exchange and sell their farm-saved seed or propagating Material, **taking into account any existing plant variety protection rights**.

2. Peasants and other people working in rural areas have the right to maintain, control, protect and develop their own seeds and traditional knowledge. **States are invited to implement article 9 (Farmers' rights) of the International Treaty on Plant Genetic Resources for Food and Agriculture.**

3.2 States shall take measures to respect, protect and fulfil the rights to **concerning** seeds of peasants and other people **persons** working in rural areas.

4.3. States shall ensure that **a breeding and seeds sector is developed and/or has access to local markets, to provide seeds** of sufficient quality and quantity are available to peasants at the most suitable time for planting, and at an affordable price.

5.4 States shall recognize the rights of peasants to rely either on their own seeds or on other locally available seeds of their choice, **taking into account any existing plant variety protection rights**, and to decide on the crops and species that they wish to grow.

6.5 States shall support **commercial and where appropriate** peasant seed systems, and promote the use of peasant seeds and agrobiodiversity.

7.6 States shall **make efforts in order to** ensure that agricultural research and development duly takes into account the needs of peasants and other people **persons** working in rural areas; they shall **make efforts in order to** ensure their active participation in the definition of priorities and the undertaking of research and development, take into account their experience, and increase investment into research and development of orphan crops and seeds that respond to the needs of peasants and other people **persons** working in rural areas.

8.7 States shall ensure that **when defining** seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect the rights of peasants, **should** and take into account their **the** needs and realities **of peasants and other persons working in rural areas.**

Argentina

Sobre el derecho a las semillas: se reitera comentario efectuado durante la Cuarta Sesión del Grupo de Trabajo, en el sentido que las actividades vinculadas con las semillas deberían estar sujetas a la legislación nacional.

Japan

Title: Access (Rights) to seeds

1. Peasants and other people working in rural areas have the access (right) to **seeds**, including:

3. States shall take measures to respect, protect and fulfil the **access** (right) to seeds of peasants and other people working in rural areas.

8. States shall ensure that seed policies, plant variety protection and (other intellectual property laws), certification schemes and seed marketing laws respect the rights of peasants, and take into account their needs and realities.

South Africa

3. South Africa proposes the addition of the word "promote"

Chile

1. [Consistente con el artículo 5 y de conformidad a la legislación de cada Estado,] Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a [sus] las semillas, en particular:

(a) El derecho a proteger los conocimientos tradicionales relativos a los recursos fitogenéticos para la alimentación y la agricultura;

(b) El derecho a participar en la distribución equitativa de los beneficios derivados de la utilización de los recursos fitogenéticos para la alimentación y la agricultura;

(c) El derecho a participar en la toma de decisiones sobre cuestiones relativas a la conservación y el uso sostenible de los recursos fitogenéticos para la alimentación y la agricultura;

(d) El derecho a conservar, utilizar, intercambiar y vender [sus] semillas o material de multiplicación conservados en [sus] las explotaciones agrícolas.

2. [Consistente con el artículo 5 y de conformidad a la legislación de cada Estado,] Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a mantener, controlar, proteger y desarrollar sus semillas y conocimientos tradicionales.

3. Los Estados adoptarán medidas para respetar, proteger y hacer efectivo el derecho a las semillas de los campesinos y de otras personas que trabajan en las zonas rurales.

4. Los Estados velarán por que los campesinos dispongan de semillas de calidad y en cantidad suficientes, en el momento más adecuado para la siembra y a un precio asequible.

5. [Consistente con el artículo 5 y de conformidad a la legislación de cada Estado,] Los Estados reconocerán los derechos de los campesinos a contar con sus propias semillas u otras semillas de su elección disponibles localmente, y a decidir las variedades y especies que deseen cultivar.

6. Los Estados apoyarán los sistemas de semillas de los campesinos, y promoverán el uso de sus semillas y la biodiversidad de la agricultura.

7. Los Estados velarán por que la investigación y el desarrollo agrícolas tengan en cuenta las necesidades de los campesinos y otras personas que trabajan en las zonas rurales; garantizarán su participación activa en la determinación de las prioridades en materia de investigación y desarrollo y en su realización, tendrán en cuenta su experiencia, y aumentarán la inversión en la investigación y el desarrollo de semillas y cultivos huérfanos que respondan a las necesidades de los campesinos y de otras personas que trabajan en las zonas rurales.

8. Los Estados velarán por que las políticas de semillas, las leyes de protección de las variedades vegetales y otras leyes de propiedad intelectual, los sistemas de certificación y las leyes de comercialización de semillas [jueguen un rol complementario de] respeten los derechos de los campesinos y tengan en cuenta sus necesidades y realidades.

Switzerland

Mon pays remercie le groupe de travail pour les propositions et les efforts faits dans la dernière version du texte notamment sur l'article 19. Cependant, dû à nos obligations internationales, notamment en matière de propriété intellectuelle, la Suisse a encore des réserves sur certains paragraphes de l'article 19 et souhaite faire les propositions suivantes:

Pour le paragraphe 1, lettre d), nous aimerions proposer d'ajouter à la fin du paragraphe d'ajouter «conformément au droit international pertinent». Le paragraphe se lirait de la manière suivante: «Le droit de conserver, d'utiliser, d'échanger et de vendre leurs semences ou matériels de multiplication, conformément au droit international pertinent.»

De même pour le paragraphe 4, nous aimerions proposer d'ajouter à la fin du paragraphe «conformément au droit international pertinent». Le paragraphe se lirait de la manière suivante: «Les États veillent à ce que des semences de qualité ou en quantité suffisante soient mises à la disposition des paysans au moment le plus propice à la plantation et à un prix abordable, conformément au droit international pertinent.»

L'article 28 paragraphe 2 indique que l'exercice des droits énoncés dans la présente déclaration sera soumis aux restrictions prévues par la loi et conformes aux obligations internationales relatives aux droits de l'homme et non pour l'ensemble du droit international. Nous aimerions, ainsi, préciser deux points: d'une part le droit et non pas seulement l'exercice de ce droit devrait être mentionné et deuxièmement l'article 28 se limite aux droits de l'homme et ne comprend pas le droit international dans son ensemble.

C'est pour cette raison que nous souhaiterions clairement dans l'article 19, paragraphes 1d et 4, faire une référence au droit international.

Finalement, nous souhaitons, pour le moment, mettre une réserve sur le paragraphe 8 et sommes intéressés à entendre les propositions des autres délégations sur ledit paragraphe.

FIMARC

La FIMARC propose donc un amendement très court dans cet article 6, qui serait rédigé ainsi: «Les Etats appuieront les systèmes de semences paysannes et **patrimoniales** et favoriseront ...».

Ana Maria Suárez Franco

Paragraph 8

En todo caso y para apoyar la negociación se podría usar el término "no hacer daño" (no harm) para reemplazar la referencia a la obligación de respetar. Este principio está reconocido internacionalmente, especialmente en las normas sobre derecho ambiental. Su inclusión en la declaración ayudaría a los estados a cumplir con su obligación de crear un ambiente propicio para la realización de los derechos humanos, de acuerdo con el artículo 56 de la carta de Naciones Unidas y 28 de la UDHR.

Article 20

EU

Title: Right to biological diversity

1. Peasants and other people **persons** working in rural areas have the right, individually or collectively, in association with others or as a community, to conserve **a key role in conserving**, maintain **maintaining** and sustainably use **using** and develop **developing in line with the pertinent requirements set out in environmental protection legislation** biological diversity and associated knowledge, including in agriculture, forestry, fishing and livestock. They also have the right to **need** maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of biodiversity depend, and the right to the conservation of the ecosystems in which those processes take place.

2. Peasants and other people working in rural areas have the right **States shall make efforts in order** to protect their associated traditional knowledge, innovation and practices relevant to the conservation and sustainable use of biological diversity **of peasants and other persons working in rural areas**.

4. States shall **should** regulate and prevent risks of violation of the rights of peasants and other people **persons** working in rural areas arising from the development, handling, transport, use, transfer or release of any living modified organisms.

South Africa

Proposes to include Indigenous and traditional food crops. Indigenous crops are environmentally sustainable, improve food security, help prevent malnutrition and increase income in households.

Bolivia

El artfculo 20 Derecho a la diversidad biologica, en su numera! 1.— se redacta incorporando los verbos conservar, mantener, desarrollar y utilizar y se completa, de manera sostenible la diversidad biologica.

Consideramos que dada la cualidad de la relacion, la naturaleza del vinculo entre los campesinos y dos ecosistemas y los elementos que lo componen, organismos vivos,

microorganismos, se protegerian ante un despliegue de la ciencia al servicio de la industria comercial, sin precedentes en la historia humana.

Por ello mismo, el numeral 2, realiza una especificacion hacia un derecho a la proteccion de los "conocimientos, innovaciones y practicas tradicionales" y son discutidos en este foro por cuanto son expresiones de humanidad y para el caso de los campesinos y otras personas que trabajan en zonas rurales como los ganaderos, pescadores, silvicultores, como parte de su identidad, un elemento que va mis alla del disfrute de un derecho cultural.

Como lo he descrito en el ejemplo de los trashumantes ganadores, estos estan basados en sistemas de uso colectivo, colaborativo, asociativo no solo como organizacion social, no solo para con la administracion de la tierra como ya se lo ha explicado en el articulo 17, sino tambien en relacion con la diversidad biologica y es por ello su importancia.

Si me permite senior presidente quiero leer en texto un parrafo preambular de la resolucion del Consejo de Derechos Humanos 34/20,

"Reconociendo tambien que la degradacion y la perdida de diversidad biologica suelen obedecer a pautas existentes de discriminacion y refuerzan esas pautas, y que los darios ambientales pueden tener consecuencias desastrosas, y en algunos casos dispersas geograficamente, en la calidad de vida de los pueblos indigenas, las comunidades locales, los campesinos y otras personas que dependen directamente de los productos de los bosques, rios, lagos, humedales y oceanos para obtener sus alimentos, combustible y medicamentos, lo que da lugar a una mayor desigualdad y marginacion," Gracias

Chile

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho, a título individual o colectivo, en asociación con otros o como comunidad, a conservar, mantener y desarrollar y utilizar de manera sostenible la diversidad biológica y los conocimientos conexos, en particular en la agricultura, la silvicultura, la pesca y la ganadería. También tienen derecho a mantener sus sistemas tradicionales de agricultura, pastoreo y agroecología de los que dependen su subsistencia y la renovación de la [diversidad biológica] biodiversidad agrícola, y derecho a la conservación de los ecosistemas en que tienen lugar esos procesos.

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen el derecho de proteger sus conocimientos, innovaciones y prácticas tradicionales conexos pertinentes para la conservación y el uso sostenible de la diversidad biológica.

Switzerland

Premièrement, il faudrait à notre avis, ici aussi, affirmer que le droit d'utiliser la diversité biologique doit aller de pair avec l'obligation des paysans de protéger les espèces et les écosystèmes.

L'autre observation porte sur le paragraphe 2. Nous constatons que le savoir traditionnel est couvert par cet article 20, mais aussi par différents autres articles, notamment 19.1a, 19.2 et 26. En principe, ça ne pose pas de problèmes tant qu'on évite les duplications. Cependant, nous vous encourageons d'utiliser les termes de manière cohérente dans les différents articles. Nous restons à votre disposition pour contribuer à assurer que le langage soit cohérent et uniforme.

Ecuador

Proposal para. 4: "States shall regulate activities as to prevent the risks of violations …".

Christophe Golay

In article 20 on the right to biological diversity, a new paragraph should be included with the content of former article 26 (4):

States shall take measures to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to genetic resources where they have the established right to grant access to such resources.

FIAN

1. Peasants and other people working in rural areas have the right, individually or collectively, in association with others or as a community, to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, forestry, fishing and livestock, **upholding their responsibility in this regard**. They also have the right to maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of biodiversity depend, and the right to the conservation of the ecosystems in which those processes take place.

Article 21

EU

Title: Rights to drinking water and to sanitation: Water management

1. Peasants and other people **persons** working in rural areas have the human rights to safe and clean drinking water and to sanitation, which are essential for the full enjoyment of life and all human rights and human dignity. They also have the right to **These human rights include** water supply systems and sanitation facilities that are of good quality, affordable and physically accessible, and non-discriminatory and acceptable in cultural and gender terms.

2. Peasants and other people **persons** working in rural areas have the right to **need** water for **personal and domestic use**, farming, fishing and livestock keeping and **as well as** to securing other water-related livelihoods, ensuring the conservation, restoration and sustainable use of water. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies.

3. States shall respect, protect and ensure access to water, including in customary and community-based water management systems, on a non-discriminatory basis, and shall take measures to guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for rural women and girls, and persons belonging to disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, all migrants, regardless of their legal status, and persons living in irregular or informal settlements. States shall promote appropriate and affordable technologies, including irrigation technology, technologies for the reuse of treated wastewater, and for water collection and storage.

5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people **persons** living in rural areas. States shall prioritize water use for human needs, small-scale food production, ecosystem needs and cultural use before other uses

Switzerland

Ma délégation souhaite cependant souligner, dans la lignée de nos commentaires précédents, que ces dispositions devraient inclure, en plus du droit à l'eau et aux installations sanitaires, un engagement à veiller à ce que les populations concernées manipulent avec soin et ne polluent pas l'eau.

Article 22

EU

1. Peasants and other people **persons** working in rural areas have the right to social security, including social insurance. They also have the right to enjoy fully all social security rights established under applicable international and domestic labour law.

2. All **legally employed** migrant workers in rural areas shall, regardless of their legal status, enjoy equality of treatment with regard to social security.

3. States shall recognize the rights of peasants and other people **persons** working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.

ILO

1. Peasants and other people working in rural areas have the right to social security, including social insurance. They also have the right to enjoy fully all social security rights established under applicable international and domestic labour **and social security** law.

2. Migrant workers in rural areas shall, regardless of their legal status, enjoy equality of treatment **with nationals** in social security.

3. States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or strengthen strengthen their social protection floors comprising basic social security guarantees, as part of their social security systems. These guarantees should ensure at a minimum that, over the life cycle, all in need have access to at least essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.

4. Basic social security guarantees should be established by law. **They should promote non-discrimination, be responsive to special needs and be socially inclusive and include workers in the informal economy**. Impartial, transparent, effective, accessible and affordable grievance and appeal procedures should also be specified. Systems should be in place to enhance compliance with national legal frameworks.

IUF

Para. 2

The IUF supports the maintenance of the text as it is i.e. retain "regardless of their legal status".

Article 23

EU

1. Peasants and other people **persons** working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health. They also have the right to have access, without any discrimination, to all social and health services.

2. Peasants and other people **persons** working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.

ILO

3 States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as **decent working conditions and** training for health personnel, including education on health and human rights.

Article 24

EU

1. Peasants and other people **persons** working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context.

2. Peasants and other people **persons** working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.

3. States shall not, either temporarily or permanently, remove peasants or other people **persons** working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, the State must provide or ensure fair and just compensation for any material or other losses.

4. In cases of eviction, States shall guarantee the right to resettlement of peasants and other people **persons** working in rural areas, in accordance with existing international human rights standards. This includes the right to alternative housing that satisfies the criteria for adequacy, namely, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to such essential rights as those to health, education and **drinking water and sanitation**.

Article 25

EU

1. Peasants and other people **persons** working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.

2. All children of peasants and other people **persons** working in rural areas have the right to receive education in accordance with their culture, and with all the rights contained in human rights instruments, and to be free from child labour.

3. States shall encourage equitable and participatory farmer-scientist partnerships, such as farmer field schools, participatory plant breeding, and plant and animal health clinics to respond more appropriately to the immediate and emerging challenges that peasants and other people **persons** working in rural areas face.

South Africa

On Article 25.1, South Africa would like to strengthen the text to reflect that the right to education for peasants first and foremost as a basic human right be frontloaded in this Article, which will then be followed by education and training.

On Article 25.2, South Africa proposes that the word "receive" be deleted and hence read as "the right to education".

ILO

1. Peasants and other people … weather-related events, **as well as the development of non-agricultural livelihoods**.

2. All children of peasants and other people working in rural areas have to right to receive **quality** education in accordance …

IUF

Para. 2

Text from the 4As produced by former UN Special Rapporteur on the Right to Education, Katarina Tomasevski

Delete: ", in accordance with their culture," to read:

Insert: "which is free of discrimination, relevant and culturally appropriate"

Article 26

EU

1. Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law, nor to limit their scope.

2. Peasants and other people **persons** working in rural areas have the right, individually and collectively, in association with others or as a community, to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.

3. States shall respect, and take measures to recognize and protect, the rights of peasants and other people working in rural areas relating to their traditional knowledge, and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.

4. States shall take measures, as appropriate, to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to genetic resources where they have the established right to grant access to such resources.

Argentina

Sobre Derechos culturales y conocimiento tradicional: se destaca que en el ámbito de la Organización Mundial de la Propiedad Intelectual (OMPI), especialmente en el Comité Intergubernamental sobre Propiedad Intelectual y Recursos Genéticos, Conocimientos Tradicionales y Folclore, se están desarrollando negociaciones para generar uno o varios instrumentos internacionales que tienden a asegurar la protección eficaz y equilibrada de los recursos genéticos (RR.GG.), los conocimientos tradicionales (CC.TT.) y las expresiones culturales tradicionales (ECT). Todos estos temas, en especial los referidos a los recursos genéticos, deberían abordarse en el ámbito específico de la OMPI.

Japan

4. States may shall take measures, as appropriate, to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to genetic resources where they have the established right to grant access to such resources.

South Africa

4. South Africa propose that cardinal principle full notion of Free, Prior and Informed Consent be incorporated in its entirety

South Africa proposes language that will acknowledge traditional knowledge systems as intellectual property of rural communities and should be protected as such

Chile

4. Los Estados adoptarán las medidas apropiadas para asegurar que se obtenga el consentimiento previo informado o la aprobación y la participación de los campesinos y de otras personas que trabajan en las zonas rurales para acceder a los recursos genéticos cuando se les haya reconocido el derecho de conceder acceso a esos recursos.

Switzerland

Les paragraphes 1, 2 et 3 de l'article 26 nous semblent importants et bien rédigés. Par contre, nous ne comprenons pas pourquoi l'article, qui traite des droits culturels et des savoirs traditionneis, contient un paragraphe 4 traitant des ressources génétiques. Les ressources génétiques ne sont-elles pas déjà couvertes par les articles 5, 19 et 20? Si l'idée était d'avoir un paragraphe sur le savoir traditionnel basé sur les dispositions du Protocole de Nagoya, alors il faudrait choisir une disposition qui porte uniquement sur les savoirs traditionnels et pas sur les ressources génétiques.

Christophe Golay

4. States shall take measures to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to traditional knowledge associated with genetic resources that they hold.

Article 27

EU

Regarding Article 27-para. 1, EU reiterates the request for the deletion of the phrase "Ways and means of ensuring the participation of people in rural areas" and the replacement of "established" by "considered" to be insufficient in view of the implications for the UN institutional system as a whole of such participation;

Title: Responsibility Contribution of the United Nations and of other international organizations

1. The specialized agencies, funds and programmes of the United Nations system, and other intergovernmental organizations, including international and regional financial organizations, shall contribute to the full realization of the provisions of the present declaration, including through the mobilization of, inter alia, development assistance and cooperation, **strengthening collaboration on reporting on relevant SDG indicators, supporting countries to develop the capacity of statistical systems, and ensuring meaningful disaggregation of data**. Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be considered.

2. The United Nations and its specialized agencies, funds and programmes, and other intergovernmental organizations, including international and regional financial organizations, shall promote respect for and the full application of the provisions of the present declaration, and follow up on its effectiveness.

Article 28

EU

1. Nothing in the present declaration may be construed as diminishing or extinguishing the rights that peasants and other people **persons** working in rural areas currently have or may acquire in the future.

2. The human rights and fundamental freedoms of **all as well as other national and international law** shall be respected in the exercise of the rights enunciated in the present declaration. The exercise of the rights set forth in the present declaration shall be subject only to such limitations **in accordance with national law** as are determined by law and in

accordance with international human rights obligations. Any such limitations shall be non-discriminatory and necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and for meeting the just and most compelling requirements of a democratic society.

2.3 **This Declaration shall not be interpreted as amending the rights and obligations of States arising under existing international agreements**.

Christophe Golay and Smita Narula (Expert)

Proposed to be included in article 28 of the UN Declaration, taken from article 8.2 of the UN Declaration on the rights of persons belonging to minorities:

The exercise of the rights set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

Annex IV

Additional explanations provided by experts

Collective rights

Recognition of the collective form or communal property of the land is a fundamental condition to guarantee access to justice and provide security to peasant families in terms of the full exercise of their economic, social and cultural rights.

Collective rights enrich the human rights system, provide it a pluricultural perspective that brings them closer to the notion of universality. Without collective rights, human rights can hardly be considered universal. Collective rights are not contrary to individual rights. Rather, they should be seen as complementary rights which, in many cases, are the way to guarantee individual rights. They are fundamental because the connection that individuals have to their communities has a cultural, a spiritual and a subsistence dimension.

Peasants and rural communities, using customary and collective practices have been preserving these ecosystems for centuries.

If we look at the collective dimensions of the right to food and the right to land, the right to food requires States to ensure that individuals, either "alone or in community with others have physical and economic access at all times to adequate food or means for its procurement". It is important to consider the right to food as a collective right as well as an individual right.

Collective rights also do not undermine State sovereignty. Collective rights are therefore an essential precondition for the ability of peasants and other people living in rural areas to enjoy human rights, ensure food security, and help protect our planet's biodiversity.

Moreover, collective rights do not undermine individual rights; on the contrary, they would strengthen their protection, as has been recognized by several human rights mechanisms.

The former Special rapporteur on the right to housing has noted "without the adequate legal recognition of individual as well as collective land rights, the right to adequate housing, in many instances, cannot be effectively realized.

Preamble

It is important to retain the concept of food sovereignty. The term Mother Earth, included in the preamble, gives a thorough understanding of the pluricultural nature of the Declaration, as well as the relationship between peasants and the land, nature and natural goods.

Article 1

Definition of peasants

In the draft Declaration, the definition of "peasant" emphasizes the relationship with land and environment as means of production. It includes activities that produce certain results which are not necessarily profitable.

The vulnerability of peasants and other people working in rural areas derives from their economic activity and that former international instruments for specific groups have been adopted to solve discrimination derived from an intrinsic condition of the affected groups.

Article 2

Obligation of States

Article 2, in its entirety, is based on existing law and, as such, steps to realize economic, social and cultural rights must be taken immediately as clarified by the General Comments of the Committee on Economic, Social and Cultural Rights. This article is about States' obligations, to respect, protect and fulfil human rights.

Regarding the principle of the progressiveness of rights and the reference to some obligations that cannot be guaranteed immediately, referred to in paragraph 1 of Article 2, it was clarified that although Article 2 refers to the progressivity of certain rights (for example, the right to social security), there are others, such as the obligation of non-discrimination or the obligations to respect, which can and must be met immediately. This interpretation is consistent with General Observations 3, 9, 14 of the CESCR Committee.

Free, prior and informed consent

"Free, prior and informed consent" is well established in international law and its implementation is confirmed through the jurisprudence of human rights treaty bodies as well as that of regional bodies. It is a key element of people's right to participate in decisions that affect their lives, lands and livelihoods. Its practical application needs to be understood in a democratic framework.

This principle has been perceived as an expression of the primacy of international human rights law, based on the United Nations Charter, article 103, to be read in conjunction with articles 55 (c) and 1.3 and its preamble.

Article 5

Right to natural resources

It was recalled that prior and informed consent had been removed from the draft, as some States had objected, so systematic interpretation is necessary in light of the compromise made. The Convention on Biological Diversity, other guidelines and general comments of treaty bodies, should guide the management of natural resources. Peasants contribute to the protection of the environment and of biodiversity, rather than disrupt them.

Regarding the proposal to change the word "Right" to "Access" in this article, the original idea is to protect the right of the peasants and to ensure that they can exercise their right to participate in the management of these natural resources. Experts argued that "right" carries more weight than "access" and allows for legal and non-legal recourse.

It was also mentioned that FAO Voluntary Guidelines had been adopted by consensus, using the term "right" throughout the text.

A proposal to include a reference to the ILO Convention No. 169 that contains the requirement of free, prior and informed consent was supported to the experts

It must be remembered that the prior and informed consent of local (non-indigenous) communities is already recognized in a number of legal sources (eg the Nagoya Protocol) and therefore the fact that this principle is not explicitly included in the declaration does not exclude its application under these international instruments. The Declaration must be interpreted systematically with those instruments, for the states that have ratified them.

Regarding the preservation of the environment, on the proposal of Switzerland to include a reference to the SDG in the text, it must be taken into account that the goals of the SDGs were established for the States and not for the peasants. Peasants contribute to mitigate climate change, as well as to the co-evolution of diversity. The purpose of this declaration is to clarify the obligations of the States and not the responsibilities of the peasants. Additionally, the Sustainable Development Goals refer to a specific period, while the declaration will have an indefinite application in time, so a reference to the SDG and application would be outdated once the deadline for the SDGs is met.

Article 10

Right to participation

Peasants and other people working in rural areas should also participate in the formulation and implementation of agricultural policies, on top of food safety, labour and environmental standards that may affect them.

The principle of prior, free and informed consent for local communities was eliminated, since it is enshrined in other sources of international law. However, and in order to guarantee the participation of peasants and other people working in rural areas, the language agreed in the Guidelines on Responsible Governance of Land Tenure that includes the main elements of participation in its principle was included. Article 10 should be interpreted systematically with Article 2.3 of the Declaration, and other relevant norms of international law, which recognize free, prior and informed consent for local communities, such as the Nagoya Protocol.

Article 11

With regard to the proposal of a State to eliminate paragraph 3 of article 11, referring to fair market systems and the appropriate systems of evaluation and certification, it is important to remember that the origin of this article was to avoid applying an equal treatment for producers of food at the industrial level and for small-scale peasant producers. This would generate discrimination and end up excluding small farmers from the market. For this reason it is advisable not to delete this paragraph. In the event of any reformulation of the text, it is recommended to ensure that at least safeguards are established, that protect peasant farmers and other persons working in rural areas from the discriminatory impact of generalized certifications.

Article 15

Peasants and other people working in rural areas have the right to adequate food. This includes the right to produce food and the right to adequate nutrition, which guarantees the possibility of enjoying the highest degree of physical, emotional and intellectual development.

Rural children are particularly at risk of hunger and malnutrition and inadequate access to nutritional education and healthcare. The paragraph also recalls the obligation of States to meet the nutritional needs of rural pregnant and lactating women, as highlighted by CEDAW in its general recommendation 34 on the rights of rural women. The importance of addressing micronutrient deficiencies and misinformation on infant feeding are also raised in guideline 10 on nutrition of the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security.

The text builds on the definition of the right to food provided in ICESCR. It applies to the specific situation of peasants and other people working in rural areas by including a reference to the production of food as one of the ways of securing access to food. As emphasized by the Special Rapporteur on the right to food, individuals can secure access to food (a) by earning incomes from employment or self-employment; (b) through social transfers; or (c) by producing their own food, for those who have access to land and other productive resources.

The text also elaborates on the obligation of States to progressively realize the human right to adequate food. As highlighted by CESCR, States have a core obligation to take the necessary action to mitigate and alleviate hunger. The core content of the right to adequate food implies the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture.

Food sovereignty

The inclusion of food sovereignty is a crucial element for peasants to ensuring national food production. The concept is recognized at international, regional and national levels. They stated that food sovereignty is about process while food security is about outcomes.

Multiple Special rapporteurs on the right to food have said that food sovereignty is a condition for the full realization of the right to food.

Moreover, the text underscores the notion of sustainability, which, according to CESCR, "is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations. Sustainability incorporates long-term availability and accessibility.

Right to culturally acceptable food

The right to food in particular requires States to ensure that individuals, either alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement.

The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement.

Article 17

The importance and urgency of articulating a substantive right to land must be seen in the context of forced displacements, large-scale land grabs, speculative land investments, climate disruptions and environmental devastation, and rapid urbanization. It must also be seen in the context of widespread hunger and food insecurity in rural communities, and the increasing criminalization and persecution of environmental and land rights defenders.

The right to land must be recognized as both an individual and a collective right given the communal nature of land use and ownership in many parts of the world.

Secure land rights, including collective land rights, are therefore an essential precondition for the ability of peasants and other people living in rural areas to enjoy human rights, ensure food security, and help protect our planet's biodiversity

States must ensure freedom from arbitrary displacement and forced evictions and must ensure the right of rural communities to return to lands from which they have been displaced, or to receive just and fair compensation when their return is not possible. States must also protect rural communities' access to land and natural resources by preventing third parties from interfering in any way with the enjoyment of this right.

The unequal distribution of arable land is a major contributing factor to hunger and poverty in the world today, especially in rural areas. Studies have shown that more secure, sustainable, and equitable access to land serves not only rural communities' rights, but also supports broader economic development and food security goals. The importance of redistributive agrarian reforms has been highlighted by the ILO and CEDAW, and in the International Covenant on Economic, Social and Cultural Rights, and the Tenure Guidelines, among other instruments. Redistributive agrarian reforms must guarantee equal access of men and women, and priority should be given to historically discriminated communities, to landless peasants, women, youth, small-scale fishers and other rural workers in the allocation of public lands, fisheries and forests.

The notion of access to land proposed by some countries instead of right to land would dilute the protection of the rights of peasants. Communities and people access, control, manage and use land and natural resources in many different forms, in order to live a dignified life, according to their social and cultural context.

Although secure access to land is implicit to the realization of numerous rights, international human rights law explicitly guarantees only limited land rights. First, States cannot arbitrarily deprive people of property. The right to property, however, protects the

rights of existing property owners. It does not protect the majority of those in rural areas: those who are landless or those whose relationship to land is difficult to formalize in individualistic legal terms. Second, States cannot evict settled communities that rely on a piece of land but lack legal title to it, without first meeting certain conditions. Specifically, States must ensure that: a) evictions serve a legitimate public purpose; b) are not discriminatory; c) meet the requirements of due process; and d) provide communities with fair compensation.

The States are reminded that agrarian reform, accompanied by the necessary incentives and extensive services, can be an effective mechanism to prevent migration. In this respect, States should see integral rural reforms as a way to prevent migrations.

Article 18

The right to a healthy environment is recognized in detail in article 29 of the United Nations Declaration on Rights of Indigenous Peoples, in regional instruments (Inter-American Court of Human Rights), reports by the Special Rapporteur on Environment and Human Rights and the Framework Principles on Environment and Human Rights.

Article 19

There is an unjustified appropriation of the traditional knowledge of peasants and other people working in rural areas, which has caused them harm for the exercise of their peasant activity. Furthermore, the digitalization of genetic information can generate a negative impact for the peasants that would also affect future generations.

The primacy of human rights derives from the provisions of the Charter of the United Nations, article. 103 interpreted systematically with articles 55 c and 1.3, and has been reiterated in general observations No. 12, 15, 24 of the ICESCR.

Article 20

The reference to the right to biological diversity should be maintained. The prior informed consent or approval and involvement of peasants and other people working in rural areas should be obtained for access to genetic resources where they have the established right to grant access to such resources.

Prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to genetic resources where they have the established right to grant access to such resources.

Regarding the elimination of the word "Right", it should be remembered that the right concept implies two dimensions: on the one hand, the objective right, which implies that States must develop and adopt normative and political frameworks, and on the other, subjective rights (entitlements), which are those that right holders may require in administrative, quasi-judicial and judicial bodies.

Article 21

This article is not about water management, it is about the right to water and this article is not about just drinking water, is about water as a resource. On 28 July 2010, through Resolution 64/292, the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights. It is a prerequisite for the realization of other human rights. Furthermore, the Committee on Food Security recalls the essentiality of water of "appropriate quality and quantity (...) for food production (fisheries, crops and livestock), processing, transformation and preparation". General Comment 15 of CESCR calls to focus on providing equitable access to water and management systems. General Comment 15 refers to Article 1, paragraph 2 of the ICESCR which states that people may

not be "deprived of its means of subsistence", thus States parties should ensure that "there is adequate access to water for subsistence farming and for securing their livelihoods".

Treating water as a human right and not as a commodity is the key to rehabilitating this existential resource and to stop its accelerated pollution and degradation. States should prioritize water use for human needs, small scale food production, ecosystem needs and cultural use, before other uses.

The right to water and sanitation are inextricable for the realization of a whole range of human rights for rural population. Water is thus not only indispensable for mere human survival ensuring hydration, nutritious food-intake and maintaining health and well-being, water is also vital for basic sanitation and good hygiene. Water lays the foundation for a healthy, productive and dignified life, which is at the core of all human rights

The right to water includes water for productive uses necessary for securing the livelihoods and conduct a life in dignity including protecting the right to food and to work. The realization of the right to water for irrigation and agricultural and fishers use is a condition sine qua non for the realization of the right to food and nutrition for all.

Article 22

Regarding the unrestricted application of this right to migrants, regardless of their legal status, it should be remembered that this application must be interpreted on the progressivity of compliance of the international obligations of the States, contained in article 2.1 of the ICESCR and the general observations of that Committee that interprets it, and that it is reflected in article 2.1 of the Declaration.

Article 26

Experts highlighted the importance of the preservation and protection of traditional knowledge, including those of peasants and indigenous peoples. Several civil society organizations expressed their support for the article as it is and for the new para. 4 on prior informed consent for access to genetic resources in para. 4.

States shall take measures to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to traditional knowledge associated with genetic resources that they hold.

Article 28

The exercise of the rights set forth in the Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

It is important to clarify that the raison d'être of international law is to have a common standard among States, particularly in the field of human rights, to ensure that the concept of human dignity is at the center of the debate, public policies and regulatory frameworks. In accordance with general observations 9 and 3 of the CESCR, interpreting Article 2.1 of the ICESCR, the States must adopt all necessary measures for the implementation of their international obligations derived from the ICESCR and the judges must apply the Covenant in its judicial decisions, even in a direct way, in case there are no laws that incorporate these standards in national law.